



Legal Status & Construction Status Possibilities

The government should have a record of all border wall sections across the southwest border including the status of construction and legal cases. These statuses disaggregate into several states: whether construction is ongoing, never began or completed; on the in legal side: is the case open or closed, is the government suing for right of entry, fee-simple taking, or engaged in other motions, or non-litigation border wall land sales. This list is not exhaustive, and might include other conditions that we could not anticipate or fully capture here.

- a. **Phase 2 Fee Simple Suits** - Most urgent, can involve actual construction
Addressing the dozens of lawsuits to condemn land for the border wall

i. **If case is still open**

1. **AND nothing has been built**

Government should negotiate stipulations to dismiss, revest land, and compensate owner(s) for harms caused by condemnation, including but not limited to rental payments for time property was taken.

Example Clients:

- Cavazos family, 7:20-cv-244
- Pamela Rivas, 7:08-cv-302
- Noelia Muñoz & Sylvia Ramirez, 7:08-cv-177; 7:08-cv-207

Example of Prior Dismissal, Revestment & Just Compensation Payment:

- [Stipulation of Revestment to Veronica Mendoza](#), September 23, 2011, 7:08-cv-189

2. **AND wall is under construction**

Government should first immediately halt construction and restore the land to its previous condition.

Once land is restored, government should negotiate stipulations to dismiss, revest land, and compensate owner(s) for harms caused by

condemnation, including but not limited to rental payments for time property was taken.

Example Clients: Brewster family, 7:19-cv-409

3. AND wall has been built

Government should first tear down the wall at its own expense, restoring it to its previous condition.

Once wall is removed, the government should negotiate stipulations to dismiss, re-vest land, and compensate owner(s) for harms caused by condemnation, including but not limited to rental payments for time property was taken.

Example Clients: Brewster family, 7:19-cv-409

ii. If case is closed (and just compensation already paid to owner)

1. AND if landowner(s) are able to accept return of the property

a. AND nothing has been built

Government should deed the land back to the prior owner(s), at no cost to the prior owners.

b. AND wall is under construction

Government should first immediately halt construction and restore the land to its previous condition.

Once land is restored, the government should deed the land back to the prior owner(s), at no cost to prior owners.

c. AND wall has been built

Government should first tear down the wall at its own expense, restoring it to previous condition as much as possible.

Once wall is removed, government should deed the land back to the prior owner(s), at no cost to the prior owners.

2. AND if landowner(s) are unable to accept return of the property

a. AND nothing has been built

Return property to the communities from which it was taken, at no cost to the community and as directed by meaningful consultations with impacted communities, especially historically disenfranchised groups and Indigenous groups, as well as scientists, environmentalists, and conservationists.

b. AND wall is under construction

Government should first immediately halt construction and restore the land to its previous condition.

Return property to the communities from which it was taken, at no cost to the community and as directed by meaningful consultations with impacted communities, especially historically disenfranchised groups and Indigenous groups, as well as scientists, environmentalists, and conservationists.

c. AND wall has been built

Government should first tear down the wall at its own expense, restoring it to its previous condition.

Return property to the communities from which it was taken, at no cost to the community and as directed by meaningful consultations with impacted communities, especially historically disenfranchised groups and Indigenous groups, as well as scientists, environmentalists, and conservationists. .

b. Phase 1 Right of Entry Suits - Less urgent, ROEs will expire on their own
Addressing lawsuits for government access to survey land to prepare for wall construction

i. If case is still open

1. AND if easement is still active

Government should negotiate stipulations with landowners to dismiss cases, terminate active easements, and compensate owner(s) for harms caused by condemnation, including but not limited to rental payments for time property was taken.

Example Clients

- Nayda Alvarez, Leonel Alvarez, and Yvette Gaytan, 7:20-cv-009
- Leonel Alvarez, 7:20-cv-011 [Easement never granted]

2. AND if easement has concluded

The government should negotiate stipulations to dismiss and compensate owner(s) for harms caused by condemnation, including but not limited to rental payments for time property was taken.

ii. If case is closed

1. AND If easement is still active

Government should terminate easements and return the interest to landowners, and compensate owner(s) for harms caused by condemnation, including but not limited to rental payments for time property was taken.

Example Clients

- Aleida Flores, 7:19-cv-270
- Velma Flores, 7:19-cv-254
- Veronica Mendoza, 7:19-cv-234

2. If easement has concluded

The government should compensate landowners for harms caused by condemnation, including damages, time, emotional distress, and expenditures related to the government's use of the easement.

Example Clients:

- Cavazos family, 7:18-cv-338
- Jose Ramirez, Jr., 7:19-cv-339

c. Non-Litigation Border Wall Land Sales

Addressing the numerous non-litigation sales from owners to the government for the border wall, often conducted under duress

Same as Phase 2, fee simple suits where case has been closed (Sec. I.C.a.ii)

d. Non-Litigation Rights of Entry

Addressing numerous Rights of Entry documents signed by owners, often under duress and without explanation of the meaning of documents

Government should terminate all non-litigation Rights of Entry and compensate landowners for harms caused, including damages, time, emotional distress, and other expenditures related to the government's use of the ROE.