

Hubsch Vs. United States

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Court : US Supreme Court

Decided On : Dec-19-1949

Appeal No. : 338 U.S. 440

Appellant : Hubsch

Respondent : United States

Judgement :

Hubsch v. United States - 338 U.S. 440 (1949)

U.S. Supreme Court Hubsch v. United States, 338 U.S. 440 (1949)

Hubsch v. United States

No. 379

Decided December 19, 1949 *

338 U.S. 440

ON APPLICATION OF PETITIONERS AND THE SOLICITOR GENERAL

FOR APPROVAL OF SETTLEMENT

SYLLABUS

The authority and responsibility for passing upon a proposed compromise of 3 claim arising under the Federal Tort Claims Act, after commencement of an action thereon, are imposed by 28 U.S.C. § 2677 on the District Court, and such a proposed compromise, submitted here after grant of certiorari to review a judgment of the Court of Appeals affirming judgments of the District Court on such claims, is referred to the District Court for consideration and disposition.

PER CURIAM.

We granted writs of certiorari in these cases, 338 U.S. 814, to review a decision of the Court of Appeals for the Fifth Circuit, 174 F.2d 7, affirming judgments of the District Court for the Southern District of Florida in favor of the United States on claims arising under the Federal Tort Claims Act. Before argument, petitioners and the Solicitor General submitted a joint application for approval of proposed settlements of the claims, citing 28 U.S.C. § 2677, which reads as follows:

"The Attorney General, with the approval of the court, may arbitrate, compromise, or settle any claim cognizable under section 1346(b) of this title [suits under the Tort Claims Act], after commencement of an action thereon. "

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We construe § 2677 as imposing on the District Court the authority and responsibility for passing on proposed compromises, notwithstanding the judgments of the Court of Appeals affirming the judgments of the District Court heretofore entered herein. The application and stipulations are therefore referred to the United States District Court for the Southern District of Florida with authority to consider and dispose of the same.

It is so ordered.

MR. JUSTICE DOUGLAS took no part in the consideration or decision of this case.

* Together with No. 380, *Schweitzer v. United States*.

