

In the United States Court of Federal Claims

No. 24-365

(Filed: April 1, 2024)

AIRBOSS DEFENSE GROUP, LLC,

Plaintiff,

v.

UNITED STATES,

Defendant,

**NEW YORK EMBROIDERY
STUDIO, INC.**

Defendant-Intervenor.

ORDER

Pending before the court is defendant’s notice of corrective action and motion to suspend future deadlines. ECF No. 27. Defendant “provides notice that the Department of Health and Human Services (HHS) intends to take corrective action in this case” which defendant believes “moots this protest.” *Id.* at 1-2. As such, defendant notes that if plaintiff “has not moved to voluntarily dismiss this case by April 12, 2024, pursuant to Court of Federal Claims Rule 41(a), the United States will file a motion to dismiss for lack of subject-matter jurisdiction due to mootness.” *Id.* at 2. Therefore, defendant requests “the suspension of all upcoming deadlines in this case,” as set forth in this court’s March 25, 2024 scheduling order, ECF No. 25. *Id.* at 2. Defendant indicates that neither plaintiff nor defendant-intervenor oppose the suspension of future deadlines to allow the court to consider a motion to dismiss filed by the government. *Id.*¹

¹ The court notes that plaintiff has indicated “that it reserves the right to move the [c]ourt to re-issue the [s]cheduling [o]rder after [plaintiff] has reviewed the [g]overnment’s motion to dismiss.” *Id.*

For good cause shown, defendant's motion to suspend is GRANTED. The court will temporarily suspend its proceedings in this case. The parties are DIRECTED to file a joint status report on or before April 15, 2024.

It is so **ORDERED**.

s/ Charles F. Lettow

Charles F. Lettow

Senior Judge