

In the United States Court of Federal Claims

No. 24-365

(Filed: April 22, 2024)

AIRBOSS DEFENSE GROUP, LLC,

Plaintiff,

and

STRING KING LACROSSE LLC,

Plaintiff-Intervenor,

v.

UNITED STATES,

Defendant,

and

**NEW YORK EMBROIDERY
STUDIO, INC.**

Defendant-Intervenor.

ORDER

Before the court is the parties' joint status report ("JSR") and motion for a scheduling order. ECF No. 34. In their JSR, the parties explain that "HHS now intends to reconsider its competitive range determination within the next thirty days, issue an amendment to the solicitation revising the current requirements, engage in discussions as needed, and solicit revised final proposals. Thereafter, HHS will make a new award decision." *Id.* at 1-2.

The parties disagree as to how the case should proceed in light of this development. The government avers that "this corrective action moots this protest," and as such proposes a motion to dismiss briefing schedule. *Id.* at 2. Plaintiff, on the other hand, "believes that resolution of the Government's motion to dismiss depends entirely on the results of the actions that the Government has stated HHS will take," and as such proposes a motion for judgment on the administrative record briefing schedule. *Id.* at 2-3. Plaintiff-intervenor "represents that it endorses the schedule proposed by ADG and would file its briefs on the dates proposed for ADG

to file its briefs.” *Id.* at 3. Defendant-intervenor “represents that it has no opposition to either proposed schedule and defers to the Court’s judgment on efficiency and convenience to the Court.” *Id.* at 4.

Having considered both proposals, the court adopts plaintiff’s proposed schedule, as follows:

<u>Event</u>	<u>Date</u>
Plaintiff-Intervenor StringKing files complaint	April 23, 2024
Government files the Administrative Record Responding to ADG’s Protest and Providing the Details of the Agency’s Corrective Action, including any new competitive range determination, solicitation amendment, and discussion letters	May 3, 2024
Plaintiff and Plaintiff-Intervenor file Motions for Judgment on the Administrative Record (“MJAR”)	May 24, 2024
Government and Defendant-Intervenor file Oppositions to Plaintiff and Plaintiff-Intervenor’s MJARs and file Cross-MJARs	June 14, 2024
Plaintiff and Plaintiff-Intervenor file Replies in Support of their MJARs and file Oppositions to the Government and Defendant-Intervenor’s MJARs	June 28, 2024
Government and Defendant-Intervenor file Replies in Support of their MJARs	July 8, 2024

It is so **ORDERED**.

s/ Charles F. Lettow

Charles F. Lettow
Senior Judge