

In the United States Court of Federal Claims

No. 24-365

(Filed: May 8, 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

Pending before the court is defendant’s partial consent motion for extension of time to file the administrative record in this case. ECF No. 43. Defendant requests the court to “extend the deadline to file the administrative record by fourteen days, to and including May 24, 2024.” *Id.* at 1. Defendant represents that good cause exists for the extension, as “significant additional work is required to complete gathering documents that are part of the record in this case,” the planned corrective action “limits the time available for contracting personnel to gather administrative record documents to complete the administrative record,” “additional time is requested to allow time to process and Bates-stamp the administrative record once it is compiled by the agency,” and “lead counsel for the United States is currently out of the office on pre-planned international travel, and will return on May 13, 2024.” *Id.* at 1-2.

Defendant represents that it has “conferred with the other parties regarding the relief requested in this motion” and that “defendant-intervenor consents to the requested extension,”

while plaintiff and plaintiff-intervenor “will consent to the extension on the condition that: (1) the Government provides the parties with a draft index of the Administrative Record on Friday that at least identifies the documents that HHS knows will be included in the record; and (2) the Government will not seek to avoid filing the Administrative Record on May 24 based on any intervening events, including any decisions or announcements by HHS regarding corrective action.” *Id.* at 2-3. While defendant “has provided a draft index of the currently compiled documents to the other parties subject to the protective order, recognizing that the contents are subject to review and change before completion of the final administrative record index,” pursuant to plaintiffs’ first condition, defendant objects to their second condition. *Id.* at 3. Specifically, defendant notes that “the United States does not agree that it would be appropriate to commit to filing the administrative record regardless of any intervening events, including events that may moot the case.” *Id.*

For good cause shown, defendant’s partial consent motion for extension of time to file the administrative record is **GRANTED**. Defendant is **DIRECTED** to file the administrative record in this case by May 24, 2024. Additionally, the parties are **DIRECTED** to confer regarding any intervening events that may impact defendant’s willingness to file the administrative record and, if necessary, apprise the court accordingly via a joint status report.

It is so **ORDERED**.

s/ Charles F. Lettow

Charles F. Lettow
Senior Judge