

In the United States Court of Federal Claims

No. 24-365

(Filed: July 17, 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 plaintiff and plaintiff-intervenor's motion to establish a schedule for further proceedings in this bid protest. ECF No. 74. Plaintiffs request that the court set a schedule "to complete and/or supplement the Administrative Record, brief and argue Cross-Motions for Judgment on the Administrative Record, and resolve the above-captioned protest." *Id.* at 1; *see also* ECF No. 74-1. Plaintiffs indicate that scheduling further proceedings is necessary at this time because "[t]here is much work to be done to bring this protest to a final decision on the merits, and the pending expiration of funding for this procurement requires that the [p]arties get to work now," including by completing the administrative record and proceeding with merits briefing. ECF No. 74 at 3-4.

Defendant and defendant-intervenor both oppose plaintiffs' motion. ECF Nos. 76-77. The government avers that it "discern[s] no urgent need for speedy action to protect the plaintiffs' rights," and that the requested schedule would "further delay the award and places the

agency and more specifically the contracting officer in the undesirable position of being burdened with extraordinary discovery requests and depositions, when the agency's limited resources should be used to finalize the agency's corrective action and award decision." ECF No. 76 at 2-3. Ultimately, the government indicates that plaintiffs' proposed scheduling order "is premature and at best will need to be amended" soon. *Id.* at 4. As such, the government requests that the court instead order the government to file a status report by July 31, 2024, which would "apprise the [c]ourt of whether HHS has completed its corrective action." *Id.* Defendant-intervenor concurs with the government that plaintiffs' proposed schedule is unwarranted at this time and avers that it "essentially seeks an impermissible advisory opinion on facts that may not develop." ECF No. 77 at 1. Instead, defendant-intervenor asserts that ordering a status report regarding the agency's corrective action would preserve judicial economy and efficiency without unduly prejudicing plaintiffs. *Id.* at 2-3.

Having considered the parties' proposals, the court concludes that establishing a schedule for further proceedings is unwarranted at this time and would contravene the court's interest in judicial economy and efficiency. As such, plaintiff and plaintiff-intervenor's joint motion to establish a schedule for further proceedings is **DENIED**. Instead, the government is **DIRECTED** to file a status report by July 31, 2024, to apprise the court of the status of the agency's corrective action.

It is so **ORDERED**.

s/ Charles F. Lettow

Charles F. Lettow

Senior Judge