

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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CENTER FOR BIOLOGICAL DIVERSITY, <i>et</i>))
<i>al.</i> ,))
))
<i>Plaintiffs</i>))
))
v.))
)	Civil Case No. 23-1204
FEDERAL AVIATION ADMINISTRATION,))
<i>et al.</i> ,))
))
<i>Defendants</i>))
))
and))
))
SPACE EXPLORATION TECHNOLOGIES))
CORP.,))
))
<i>Defendant-Intervenor.</i>))
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**DEFENDANTS’ CONSENT MOTION FOR EXTENSION OF TIME TO LODGE
ADMINISTRATIVE RECORD AND FOR THE COURT TO SET AN INITIAL
BRIEFING SCHEDULE**

Pursuant to this Court’s July 5, 2023 Minute Order, Defendants move to extend their time to lodge the Administrative Record and for the Court to set a briefing schedule regarding potential challenges to the contents of the Administrative Record.

Specifically, the Administrative Record is currently due July 31, 2023. *See* Local Civ. R. 7(n). Defendants seek a 60-day extension of time, until September 29, 2023, in which to lodge the Administrative Record. Good cause supports the requested extension because agency staff require additional time to collect and review the numerous materials related to the Project at issue in this litigation. In addition, an extension of time will permit the agency to include certain

materials relevant to Plaintiffs' claims regarding whether Defendants have adequately accounted for the impacts of the April 20, 2023 launch of the Starship/Super Heavy vehicle. *See* Compl. ¶ 102 (ECF No. 3).

In addition, the Court's July 5 Minute Order requested that the Parties confer and file a proposed briefing schedule by August 14, 2023. The Parties have discussed the litigation on two occasions, and propose that the Court set the following initial briefing schedule regarding potential litigation surrounding the contents of the Administrative Record:

Defendants' deadline to lodge Administrative Record:	September 29, 2023
Plaintiffs' deadline to challenge contents of the Record:	October 27, 2023
Defendants' opposition to Plaintiffs' motion challenging Record:	November 17, 2023
Plaintiffs' reply in support of motion challenging Record:	December 5, 2023

The Parties propose that they file a further joint status report proposing a briefing schedule as to summary judgment within 14 days of the Court's resolution of Plaintiffs' motion challenging the Administrative Record, if any is filed.

Alternatively, if Plaintiffs choose not to challenge the Administrative Record, the Parties propose that they file a joint status report setting forth a proposed briefing schedule by **October 27, 2023**.

Plaintiffs and Defendant-Intervenor, through counsel, consent to the relief requested in this Motion.

Respectfully submitted this 21st day of July, 2023,

TODD KIM
Assistant Attorney General
United States Department of Justice
Environment & Natural Resources Division

/s/ Gregory M. Cumming

Gregory M. Cumming (D.C. Bar No. 1018173)
Matthew P. Rand (N.Y. Bar No. 4937157)
Sarah R. Ruckriegle (D.C. Bar No. 1658781)
United States Department of Justice
Environment & Natural Resources Division
Natural Resources Section
150 M St., N.E.
Washington, D.C. 20002
(202) 305-0457 (office)
(202) 598-0414 (cell)
gregory.cumming@usdoj.gov

Counsel for Defendants