

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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UNOPPOSED MOTION FOR ENTRY OF MODIFIED PROTECTIVE ORDER

Pursuant to Civil Rule 5.1 of the Rules of the United States District Court for the District of Columbia and Fed. R. Civ. P. 26(c), Federal Defendants and Defendant-Intervenor Space Exploration Technologies Corp. jointly request that the Court enter the attached modified Stipulated Protective Order Regarding Confidential Information (“Modified Protective Order”). Plaintiffs advised that they do not oppose this motion. Good cause exists for the entry of the Modified Protective Order for the following reasons:

1. On September 28, 2023, the Parties filed a Joint Motion for Protective Order and Proposed Stipulated Protective Order, which remains pending before the Court. *See* ECF Nos. 20, 20-1.

2. As explained in the September 28, 2023 motion, good cause exists for the entry of the Proposed Stipulated Protective Order because the Administrative Record in this matter contains confidential and sensitive information within the meaning of Fed. R. Civ. P. 26(c). *See* ECF No. 20.

3. The September 28, 2023 Proposed Stipulated Protective Order provided that “[a] Party (*i.e.*, Plaintiffs or Defendant-Intervenor) shall challenge the propriety of a Confidential Information designation (either the lack of designation of information as Confidential Information or the designation of information as such) within 42 days of the date of filing of the certified index of the Administrative Record.” ECF No. 20-1 at 5, Section D(1).

4. Federal Defendants filed the certified index of the Administrative Record on September 29, 2023. *See* ECF No. 21. Accordingly, under the September 28, 2023 Proposed Stipulated Protective Order, the deadline for Plaintiffs or Defendant-Intervenor to challenge the propriety of a Confidential Information designation would be November 10, 2023.

5. The Parties have been reviewing the Administrative Record, evaluating confidentiality designations, and conferring to resolve concerns related to the confidentiality of certain documents. However, the Parties require additional time to complete a confidentiality review of the Administrative Record files.

Accordingly, the Parties respectfully request that the Court enter the Modified Protective Order, which extends the November 10, 2023 deadline to challenge the propriety of a Confidential Information designation by 30 days, until December 11, 2023. A modified Proposed Modified Protective Order is attached.

Respectfully submitted,

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