

**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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**JOINT STATUS REPORT**

The Parties, by and through their undersigned counsel, hereby submit a Joint Status Report setting forth proposed next steps in this matter.

On July 25, 2023, the Court entered a Minute Order requiring Defendants to lodge the administrative record by September 29, 2023, and providing until October 27, 2023, for Plaintiffs to challenge the administrative record or for the parties to file a joint status report setting forth a proposed briefing schedule should Plaintiffs choose not to challenge the record. Defendants subsequently lodged the record on September 29, 2023, ECF No. 21, and on October 27, 2023, Plaintiffs and Defendants filed a joint motion to extend their time to resolve record issues until November 27, 2023. ECF No. 23.

The Parties have since resolved the majority of the pending issues with the record, and Defendants are in the process of preparing a supplement to the record to be served on the Parties and lodged with the Court. However, Defendants require additional time to complete that process.

In addition, Plaintiffs intend to file a motion for leave to file a supplemental complaint in this matter pursuant to Federal Rule of Civil Procedure 15(d), on or around December 15. The supplemental complaint will add a claim against the existing Defendants regarding compliance with the National Environmental Policy Act concerning review of the April 20, 2023, launch event and the FAA's permitting of the second launch of the SpaceX Starship/Superheavy rocket, which took place on November 18. The supplemental complaint will also add a claim against the U.S. Fish and Wildlife Service under the Administrative Procedures Act regarding its review of the April 20, 2023, launch pursuant to a reinitiated Endangered Species Act Section 7 consultation. Because these claims will address developments postdating the current complaint and involve a new federal defendant, they will necessitate supplements to the existing administrative record.

As such, the Parties propose that: (1) within 7 days after Plaintiffs file a motion for leave to file a supplemental complaint the Parties file a further status report setting forth their joint proposal for further proceedings; and (2) Defendants lodge a supplement to the existing administrative record by December 22, 2023.

Respectfully submitted,

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

/s/ Tyler Welti

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Tyler Guy Welti  
VENABLE LLP  
101 California Street  
Suite 3800  
San Francisco, CA 94111  
415-653-3750  
Email: TGWelti@venable.com

Jay C. Johnson (D.C. Bar No. 487768)  
VENABLE LLP  
600 Massachusetts Avenue NW  
Washington, DC 20001  
202.344.4000  
jcjohnson@venable.com

*Counsel for Intervenor-Defendant Space  
Exploration Technologies Corporation*

/s/ Jared Margolis

Jared M. Margolis (*pro hac vice*)  
Center for Biological Diversity  
2852 Willamette St. # 171  
Eugene, OR 97405  
(802) 310-4054  
jmargolis@biologicaldiversity.org

*Counsel for Plaintiffs*