

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

BID PROTEST

)	
BLUE ORIGIN FEDERATION, LLC,)	
)	Case No.: 1:21-cv-01695-RAH
<i>Plaintiff,</i>)	
)	Judge Richard A. Hertling
v.)	
)	
UNITED STATES OF AMERICA,)	
)	
<i>Defendant.</i>)	

PLAINTIFF BLUE ORIGIN’S MOTION TO AMEND SCHEDULE

Plaintiff Blue Origin Federation, LLC (“Blue Origin”), by its undersigned counsel, respectfully moves this Court to amend the scheduling order it entered today (ECF 27).

In advance of the United States’ filing today of its motion to file the Administrative Record by DVD and to amend the scheduling order to file the Administrative Record on September 3, 2021, rather than on August 27, 2021, the parties all agreed to a compromise on the necessary revision to the overall schedule that added one week to each deadline. (*See* ECF 26 at 5-6.)

Under the Court’s August 27, 2021 Order (ECF 27), which allows the United States to file the Administrative Record a week later (on September 3), and via DVD rather than ECF, the remaining dates were not extended by the same one week period as the parties agreed. As such, the schedule requires the United States to produce the record to Blue Origin on the same day as Blue Origin’s current deadline to file any motion regarding the contents of the Administrative Record (both on September 3), before Blue Origin has received the record. Blue Origin’s agreement to the proposed amended schedule was premised on Blue Origin having the same week-

long period to review what the Administrative Record contains (where the Record has been characterized as “extraordinarily voluminous.” ECF 26 at 2.).

Without the additional week added to the deadlines after production of the Administrative Record, Blue Origin both will be unable to fully evaluate the Record and will lose an additional week for preparing its cross-motion for judgment on the administrative record and its cross-reply.

Accordingly, Blue Origin respectfully requests that the Court amend the scheduling order to adopt the following deadlines, as proposed by the United States in ECF 26 and agreed to by the parties:

Action	Date
United States Files Administrative Record	September 3, 2021
Blue Origin Files Any Motions Regarding Contents of the Administrative Record	September 10, 2021
United States and SpaceX Respond to Any Motions Regarding Contents of the Administrative Record	September 16, 2021
Parties File Cross-Motions for Judgment on the Administrative Record	October 1, 2021
Parties File Replies in Support of Cross-Motions on the Administrative Record	October 13, 2021
NASA Voluntary Stay of Performance Expires	November 8, 2021

(ECF 26 at 6.). As the United States did (ECF 26 at 6), Blue Origin respectfully requests that the Court schedule oral argument at a time that the Court deems appropriate. The United States has agreed to not oppose this request. SpaceX, which had not objected to the Government’s proposed schedule submitted in ECF 26, does oppose this request from Blue Origin.

WHEREFORE, Blue Origin respectfully requests that the Court grant its Motion to Amend the Scheduling Order.

Dated: August 27, 2021

Respectfully submitted;



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