

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

MICHAEL J. FORBES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 24-1953C
	)	(Judge Hadji)
THE UNITED STATES,	)	
	)	
Defendant.	)	
	)	

DEFENDANT’S MOTION FOR ENTRY OF SCHEDULING ORDER

Pursuant to our motion to vacate default and motion out of time for an enlargement of time to file response to complaint and Appendix K of the Rules of the United States Court of Federal Claims, the defendant respectfully motions the Court to propose a schedule that we believe will allow for orderly management of this case. ECF No. 10. The schedule is proposed if this Court rules in favor of the Government on our motion to vacate default and motion out of time for an enlargement of time to file response to complaint. In accordance with RCFC 7.3, defendant’s counsel of record certifies that the defendant has in good faith conferred with Mr. Forbes on this motion. Specifically, on March 5, 2025, counsel for the Government spoke with Mr. Forbes regarding our request to propose a joint schedule for the Court, as required by RCFC Appendix K. Mr. Forbes indicated that he opposes our request. The United States respectfully propose the following schedule:

1. Defendant shall provide a copy of the proposed administrative record to plaintiff by March 26, 2025.
2. Defendant shall file the administrative record and regulatory appendix by April 2, 2025.
3. Defendant’s motion for judgment upon the administrative record shall be filed by April 16, 2025.

4. Plaintiff's cross-motion for judgment upon the administrative record and response to Defendant's motion shall be filed by April 30, 2025.
5. Defendant's reply in support of his motion for judgment upon the administrative record and response to Plaintiff's cross-motion shall be filed by May 7, 2025.
6. Plaintiff's reply in support of its cross-motion for judgment upon the administrative record shall be filed by May 14, 2025.
7. Oral argument to be scheduled at the Court's convenience.

For the reasons stated above, if the Court rules in favor of the Government on our motion to vacate default and motion out of time to file a response to the complaint, we respectfully request that the Court enter the foregoing proposed schedule pursuant to Appendix K of the RCFC.

Respectfully submitted,

YAAKOV M. ROTH  
Acting Assistant Attorney General

PATRICIA M. McCARTHY  
Director

/s/ William J. Grimaldi  
WILLIAM J. GRIMALDI  
Assistant Director

/s/ Alexander S. Brewer  
ALEXANDER S. BREWER  
Trial Attorney  
Commercial Litigation Branch  
Civil Division  
U.S. Department of Justice  
P.O. Box 480  
Ben Franklin Station  
Washington, D.C. 20044  
Tel: (202) 307-0252  
Fax: (202) 353-0641

March 5, 2025

Attorneys for Defendant