

In the United States Court of Federal Claims

No. 13-532 C

(Filed October 17, 2013)

\*\*\*\*\*

ECOTOUR ADVENTURES, INC., \*

\*

Plaintiff, \*

\*

v. \*

\*

THE UNITED STATES, \*

\*

Defendant. \*

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**SECOND AMENDED SCHEDULING ORDER**

On October 17, 2013, counsel for defendant notified the court, pursuant to the court’s order dated October 1, 2013, that appropriations to the Department of Justice have been restored.<sup>1</sup> The court held a telephonic status conference with the parties the same day to formulate a revised briefing schedule in light of the delay caused by the lapse in appropriations.

At the outset of the teleconference, counsel for defendant reiterated that the agency’s contracts with incumbent concessioners will expire on October 31, 2013, and that the government proposes to extend those contracts for up to one year unless and until the government awards to another entity the two contracts at issue in this bid protest (contracts CC-GRTE024-13 and CC-GRTE032-13). Counsel for plaintiff opposed the government’s proposal and argued that any extension of the agency’s contracts with incumbent concessioners should last only until the end of November 2013. The court concluded that, given the seasonal time constraints and deadlines faced by the agency, the government’s proposed contract extension is reasonable. Left in place and unchanged is the government’s prior agreement not to issue a contract award with respect to the disputed procurement before the end

<sup>1</sup>/ In the referenced order, the court granted defendant’s request for a stay and suspension of deadlines in light of the lapse in appropriations to the Department of Justice.

of November 2013. Furthermore, in recognition of plaintiff's having filed its opening brief on September 20, 2013, and with the input and agreement of counsel, the court established the following revised briefing schedule:

- (1) The Clerk's Office is directed to **LIFT** the stay in this matter;
- (2) Defendant shall **FILE** its **Cross-Motion for Judgment on the Administrative Record and Response to Plaintiff's Motion for Judgment on the Administrative Record** by **5:00 p.m. eastern time on October 22, 2013**. Defendant may, in the alternative, file a combined Motion to Dismiss and Cross-Motion for Judgment on the Administrative Record;
- (3) Plaintiff shall **FILE** its **Response/Reply to Defendant's Cross Motion** by **5:00 p.m. eastern time on October 29, 2013**;
- (4) Defendant shall **FILE** its **Reply** by **5:00 p.m. eastern time on November 5, 2013**;
- (5) Except as otherwise provided herein, whenever briefing, including exhibits and attachments, causes an electronic filing to exceed thirty pages, the party shall **DELIVER** two paper courtesy copies of that filing to chambers by **5:00 p.m. eastern time the day the filing is due**; and
- (6) Oral Argument in this case shall be **HELD** on **November 8, 2013** at **2:00 p.m. eastern time** at the United States Court of Federal Claims, National Courts Building, 717 Madison Place, N.W., Washington, DC. The location of the courtroom will be posted on the directory in the lobby.

**IT IS SO ORDERED.**

/s/Lynn J. Bush  
LYNN J. BUSH  
Judge