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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 STATE OF WASHINGTON, *et al.*,

9 Plaintiffs,

10 v.

11 UNITED STATES DEPARTMENT OF
12 STATE, *et al.*,

13 Defendants.

NO. C18-1115RSL

ORDER DENYING MOTION TO
COMPEL EXPEDITED
PRODUCTION OF
ADMINISTRATIVE RECORD

14 This matter comes before the Court on “The States’ Motion to Compel Production of
15 Administrative Record in Accordance with 5 U.S.C. § 706.” Dkt. # 34. The record of the
16 decision-making process that led to the temporary and/or permanent revision of the United States
17 Munitions List (“USML”) to allow the distribution instructions for the automated production of
18 3-D printed weapons is undoubtedly relevant to plaintiffs’ argument that the decision was
19 arbitrary and capricious. Plaintiffs acknowledge, however, that their procedural claims for
20 preliminary relief can be decided without consideration of the administrative record.
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22 Plaintiffs’ motion in support of their request for a preliminary injunction has already been
23 filed, and defendants’ opposition is due in two days. The Court will not require the federal
24 defendants to divert their attention from the agreed-upon briefing schedule to identify, collect,
25 and produce the administrative record, a task that will likely be complicated given the interplay
26 of agency action and litigation. The motion to compel the expedited production of the
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1 administrative record is therefore DENIED at this juncture. If defendants rely on the unproduced
2 record to oppose plaintiffs' request for a preliminary injunction and plaintiffs need the record on
3 an expedited basis in order to rebut defendants' factual representations, the Court will fashion
4 appropriate relief at or after the hearing on August 21, 2018.
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7 Dated this 13th day of August, 2018.

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9 Robert S. Lasnik
United States District Judge
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