

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
SAN ANTONIO BAY ESTUARINE)	
WATERKEEPER, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:22-01470
)	
MICHAEL L. CONNOR, Assistant Secretary of)	
the Army for Civil Works, <i>in his official capacity</i> ;)	
UNITED STATES ARMY CORPS OF)	
ENGINEERS,)	
)	
Defendants.)	
_____)	

JOINT STATUS REPORT

Pursuant to the Court’s August 23, 2022, Order, ECF No 16, the parties met and conferred by telephone on September 1, 2022, regarding a proposed briefing schedule for resolving this case brought under the Administrative Procedure Act (APA). The parties reached agreement and respectfully propose the following schedule for resolving this case.

I. SCHEDULING PROPOSAL

Defendants propose to file a certified list of the contents of the administrative record, and provide the materials listed on the index, on or before **December 20, 2022**.

From there, the parties propose the following alternative schedules, depending on whether disputes regarding the administrative record ensue. The page limits for briefing all motions described herein will be governed by D.C. Local Rule 7(e).

A. In the event of record disputes.

The parties will attempt in good faith to resolve any issues related to the contents of the administrative record as follows: on or before **January 20, 2023**, Plaintiffs will notify in writing

Defendants of their position on whether they believe the administrative record is complete and will provide Defendants with any materials they seek to include in the administrative record.

Defendants will respond to such a notification in writing on or before **February 10, 2023**.

Any motion by Plaintiffs challenging the completeness of the administrative record shall be filed by **February 20, 2023**. Defendants' position is that this deadline, and briefing schedule, should equally apply to any motion by Plaintiffs seeking leave to submit extra-record material for consideration on the merits of the case. Plaintiffs disagree. The parties are happy to discuss the issue further with the Court, if it would be helpful. Defendants will file their response to any such motion on or before **March 6, 2023**. Plaintiffs will file their reply brief on or before **March 13, 2023**.

If Plaintiffs file a motion regarding the contents of the administrative record as described above, the parties will submit a joint status report within seven (7) days of the Court's decision resolving such motion and proposing a schedule for resolving the merits of Plaintiffs' claims.

B. In the event that no record motion is filed.

In the event that no motion regarding the contents of the administrative record is filed, the parties propose to resolve the merits of the claims set forth in the First Amended Complaint, ECF No. 12, through cross motions for summary judgment on the following schedule:

March 7, 2023:	Plaintiffs file their motion for summary judgment.
May 4, 2023:	Defendants file their combined cross-motion for summary judgment and opposition to Plaintiffs' motion for summary judgment.
June 8, 2023:	Plaintiffs file their combined reply in support of their motion and opposition to Defendants' cross-motion.
July 13, 2023:	Defendants file their reply in support of their motion.

July 27, 2023: Plaintiffs file the joint appendix.

II. PROJECT STATUS

For the Court's benefit, Defendants provide the following update regarding project status. At present, the Corps' projected schedule for the challenged project, the Matagorda Ship Channel dredging project, *see* ECF No. 12 ¶ 1, contemplates contract solicitation for the initial segment of the project on or after December 18, 2023. In the event the project timeline changes significantly such that it may impact the briefing schedule proposed herein, Defendants will update both Plaintiffs and the Court expeditiously.

Dated: September 6, 2022

Respectfully submitted,

TODD KIM

Assistant Attorney General
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Division

/s/ Sally J. Sullivan

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CERTIFICATE OF SERVICE

I hereby certify that that a copy of the foregoing was served on all counsel of record by the Court's ECF system on September 6, 2022.

/s/ Sally J. Sullivan