

**In the United States Court of Federal Claims**

No. 19-59C

(E-Filed: April 27, 2020)

_____	)
L. KEVIN ARNOLD, <u>et al.</u> ,	)
	)
Plaintiffs,	)
	)
v.	)
	)
THE UNITED STATES,	)
	)
Defendant.	)
_____	)

ORDER

On April 3, 2020, defendant filed a motion for leave to file a notice of supplemental authority, attaching a recent decision issued by the United States District Court for the District of Columbia. See ECF No. 42. Defendant’s entire motion reads as follows: “Pursuant to Rule 7(b) of the Rules of the United States Court of Federal Claims (RCFC), defendant, United States, respectfully requests [the] Court to grant us leave to file the attached notice of supplemental authority, which directly relates the this case.” Id. at 1. Defendant offers neither an explanation of how the district court decision relates to this case, nor any argument addressing how the decision should affect this court’s analysis.

In response, plaintiffs oppose the motion, and argue that the decision offered by defendant “is irrelevant to the issue raised” in this case. ECF No. 43 at 2. Defendant’s reply is nearly as spare as its motion, stating that the district court decision “also addressed the Anti-Deficiency Act in the context of the 2018-2019 lapse in appropriations.” ECF No. 44 at 1. Defendant also notes that it “does not argue that those cases are identical to this case, but believes that the district court’s reasoning may otherwise be beneficial to the Court’s analysis in this case.” Id.

The court will allow defendant to file the supplemental authority; however, defendant must explain why the district court decision is relevant and what conclusions or guidance it believes the court should draw from the same. Plaintiffs will have an opportunity to respond. The court will review the supplemental briefs, and weigh the persuasive value of the district court decision in ruling on the pending motion to dismiss.

Accordingly,

- (1) Defendant's motion for leave to file supplemental authority, ECF No. 42, is **GRANTED**;
- (2) On or before **May 15, 2020**, defendant is directed to **FILE** a **supplemental brief**, explaining the relevance of the supplemental authority it asks the court to consider; and
- (3) On or before **May 29, 2020**, plaintiffs are directed to **FILE** a **response** to defendant's supplemental brief.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith  
PATRICIA E. CAMPBELL-SMITH  
Judge