

In the United States Court of Federal Claims

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MICHAEL SABO, NICHOLAS WELLS,)	
JUAN PEREZ, ALAN PITTS, BILLY J.)	
TALLEY, AIMEE SHERROD, and)	
TYLER EINARSON on behalf of)	
themselves and all other individuals)	No. 08-899C
similarly situated,)	
)	Filed February 14, 2011
Plaintiffs,)	
)	
v.)	
)	
THE UNITED STATES,)	
)	
Defendant.)	
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ORDER

The Court has reviewed the parties’ joint status report (“JSR”), filed February 3, 2011 (docket entry 92), plaintiffs’ motion to lift stay (docket entry 89), plaintiffs’ motion for summary judgment (docket entry 90), and plaintiffs’ proposed findings of uncontroverted fact (docket entry 91), filed January 28, 2011.

With respect to plaintiffs’ motion to lift stay, defendant opposes the motion and asks that proceedings be stayed until August 4, 2011 so as to “allow” the pertinent boards “to continue to review the applications of the individual plaintiffs to determine the appropriate correction of each applicant’s military service records.” The Court sees no reason why the further stay requested by defendant is needed to permit review of class members’ applications to continue. Indeed, the parties have in the past expressed agreement that the administrative review procedures and the resolution of any dispositive motion that plaintiffs’ might file should proceed on parallel tracks. Thus, the Court **GRANTS** plaintiffs’ motion to lift stay, and **DENIES** defendant’s request for a further stay. In that regard, the Court **ORDERS** that the parties shall continue to file joint status reports on the first Thursday of each month beginning with **March 3, 2011**. Those reports shall advise the Court of the parties’ progress in implementing the administrative review procedures and shall also identify any issues arising in the litigation that need to be resolved by the Court.

In its Order of January 21, 2011 (docket entry 88), the Court directed the parties to propose a briefing schedule to resolve plaintiffs’ dispositive motion. The February 3 JSR indicates that the parties are in agreement on a schedule, which the Court adopts, pursuant to which defendant’s opposition shall be filed by **March 28, 2011**, and plaintiffs’ reply shall be filed thirty days thereafter, i.e., by **April 27, 2011**. The parties are in agreement that there is presently no need for defendant to file an answer to plaintiffs’ amended complaint (docket entry

25), which was filed on September 2, 2009. The parties also agree that no further notice to members of the class describing the actual operation of the administrative review process and the filing of plaintiffs' dispositive motion is necessary at this time.

In view of the pace of decisions issued as a result of the administrative review process, the parties should not assume that any extensions of the agreed briefing deadlines will be granted.

IT IS SO ORDERED.

s/ George W. Miller
GEORGE W. MILLER
Judge