

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 15-cv-02362-WYD

DANA ALIX ZZYYM,

Plaintiff,

v.

REX W. TILLERSON, in his official capacity as Secretary of State; and
SHERMAN D. PORTELL, in his official capacity as Director of the Colorado Passport Agency
of the United States Department of State,

Defendants.

JOINT MOTION FOR ENTRY OF PROPOSED BRIEFING SCHEDULE

On July 6, 2017, the Court docketed Plaintiff Dana Zzyym's Supplemental Complaint against Defendants Rex Tillerson, in his official capacity as the Secretary of State, and Sherman D. Portell, in this official capacity as the Director of the Colorado Passport Agency for the United States Department of State. ECF No. 61. In the Supplemental Complaint, Plaintiff has brought claims under the Administrative Procedure Act (APA) challenging Defendants' May 1, 2017 decision regarding Plaintiff's passport application. *Id.* The parties have conferred regarding the briefing of Plaintiff's claims and now jointly move the Court to enter the proposed briefing schedule set forth below:

- Defendants will provide the administrative record to Plaintiff by August 11, 2017;
- The parties will confer regarding issues related to the Administrative Record by August 28, 2017;
- Defendants will file the administrative record with the Court by September 11, 2017;
- Plaintiff will file any motion to complete the administrative record by September 20, 2017;
- Plaintiff (Petitioner) will file Plaintiff's Opening Brief by October 10, 2017;
- Defendants (Respondent) will file their Response Brief by November 14, 2017; and

- Plaintiff (Petitioner) will file Plaintiff's Reply Brief by December 15, 2017.

The parties proposed briefing schedule does not suggest a date for oral argument. Plaintiff believes that oral argument would assist the Court in the resolution of this case. Defendants defer to the Court regarding whether oral argument is necessary.

The parties' proposed briefing schedule provides for the orderly briefing of Plaintiff's claims and is consistent with the Tenth Circuit's directive that "[r]eviews of agency action in the district courts must be processed as appeals." *Olenhouse v. Commodity Credit Corp.*, 42 F.3d 1560, 1581 (10th Cir. 1994). The Court should, therefore, grant the parties' motion and enter their proposed briefing schedule. The parties have submitted a proposed order with this motion.

Dated: July 18, 2017

Respectfully submitted,

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[PROPOSED] ORDER

After consideration of the parties' Joint Motion for Entry of a Proposed Briefing
Schedule, the Court hereby grants the parties' motion and adopts the following schedule:

- Defendants will provide the administrative record to Plaintiff by August 11, 2017;
- The parties will confer regarding issues related to the Administrative Record by August 28, 2017;
- Defendants will file the administrative record with the Court by September 11, 2017;
- Plaintiff will file any motion to complete the administrative record by September 20, 2017;
- Plaintiff (Petitioner) will file Plaintiff's Opening Brief by October 10, 2017;
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Date: _____

District Court Judge