

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:19-cv-02236-JAT**

MD Helicopters Incorporated v. United States of America et al
Assigned to: Senior Judge James A Teilborg
Cause: 05:702 Administrative Procedure Act

Date Filed: 04/05/2019
Date Terminated: 01/24/2020
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedures Act/Review or
Appeal of Agency Decision
Jurisdiction: U.S. Government Defendant

Plaintiff

MD Helicopters Incorporated

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V.

Defendant

United States of America
*through the Department of the Army, an
agency of the United States Department of
Defense*

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Defendant

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Intervenor

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Date Filed	#	Docket Text
04/05/2019	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-16753458 filed by MD Helicopters Incorporated. (Johnson, Brett) (Attachments: # <u>1</u> Certificate of Record) (KEP) (Entered: 04/05/2019)
04/05/2019	<u>2</u>	Corporate Disclosure Statement by MD Helicopters Incorporated. (Johnson, Brett) (KEP) (Entered: 04/05/2019)
04/05/2019	<u>3</u>	SUMMONS Submitted by MD Helicopters Incorporated. (Johnson, Brett) (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(KEP) (Entered: 04/05/2019)
04/05/2019	<u>4</u>	Filing fee paid, receipt number 0970-16753458. This case has been assigned to the Honorable James A. Teilborg. All future pleadings or documents should bear the correct case number: CV-19-2236-PHX-JAT. Notice of Availability of Magistrate Judge to Exercise Jurisdiction form attached. (KEP) (Entered: 04/05/2019)
04/05/2019	<u>5</u>	NOTICE TO THE PARTIES - The Court is participating in the Mandatory Initial Discovery Pilot (MIDP) and this case is subject to that pilot. The key features and deadlines are set forth in the attached Notice which includes General Order 17-08. Also attached is a checklist for use by the parties. All parties must respond to the mandatory initial discovery requests set forth in the General Order before initiating any further discovery in this case. Please note: The discovery obligations in the General Order supersede the disclosures required by Rule 26(a)(1). Any party seeking affirmative relief

		must serve a copy of the attached documents (Notice to Parties, including General Order 17-08 and MIDP Checklist) on each new party when the Complaint, Counterclaim, Crossclaim, or Third-Party Complaint is served. (KEP) (Entered: 04/05/2019)
04/05/2019	<u>6</u>	Summons Issued as to Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(KEP). *** IMPORTANT: When printing the summons, select "Document and stamps" or "Document and comments" for the seal to appear on the document. (Entered: 04/05/2019)
04/05/2019	<u>7</u>	MOTION for Protective Order by MD Helicopters Incorporated. (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Brett) (Entered: 04/05/2019)
04/05/2019	<u>8</u>	STANDARD CIVIL TRACK INITIAL ORDER: IT IS ORDERED, if not already accomplished prior to the date of this Order, that Plaintiff(s) shall effect service of the Complaint and Summons upon all Defendants no later than 90 days after the filing of the Complaint. IT IS FURTHER ORDERED that the parties must comply with Gen. Ord. No. 17-08 (D. Ariz. Apr. 14, 2017) regarding the mandatory initial discovery responses. IT IS FURTHER ORDERED that Plaintiff shall serve Defendant(s) with a copy of this Order. (See Order for full details). Signed by Senior Judge James A Teilborg on 4/5/2019. (SST) (Entered: 04/05/2019)
04/05/2019	<u>9</u>	*FILED at Doc. <u>15</u> *SEALED LODGED Proposed Motion for Temporary Restraining Order and Preliminary Injunction. Document to be filed by Clerk if <u>10</u> Motion or Stipulation to Seal is granted. Filed by MD Helicopters Incorporated. (Attachments: # <u>1</u> Exhibits A-F, # <u>2</u> Text of Proposed Order)(Johnson, Brett) *Modified to link to Motion to Seal on 4/8/2019 (SCH). *Modified on 4/16/2019 (MAP). (Entered: 04/05/2019)
04/05/2019	<u>10</u>	MOTION to Seal Document <u>9</u> Sealed Lodged Proposed Document by MD Helicopters Incorporated. (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Brett) (Entered: 04/05/2019)
04/08/2019	<u>11</u>	ORDER that the motion for protective order (Doc. <u>7</u>) is denied, without prejudice. IT IS FURTHER ORDERED that the motion to seal (Doc. <u>10</u>) is denied. The Clerk of Court shall leave Doc. 9 lodged, under seal. [See attached order for additional information.] Signed by Senior Judge James A. Teilborg on 4/8/2019. (RMW) (Entered: 04/08/2019)
04/12/2019	<u>12</u>	Second MOTION to Seal Document <u>9</u> Sealed Lodged Proposed Document by MD Helicopters Incorporated. (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Brett) (Entered: 04/12/2019)
04/12/2019	<u>13</u>	MOTION for Temporary Restraining Order (<i>Redacted</i>) by MD Helicopters Incorporated. (Attachments: # <u>1</u> Exhibits A-F)(Johnson, Brett) (Entered: 04/12/2019)
04/16/2019	<u>14</u>	ORDER granting <u>12</u> Motion to Seal. The Clerk of the Court shall file the currently lodged motion (Doc. <u>9</u>) and all exhibits under seal. Signed by Senior Judge James A Teilborg on 4/16/19. (MAP) (Entered: 04/16/2019)
04/16/2019	<u>15</u>	SEALED VERIFIED MOTION for Temporary Restraining Order and Preliminary Injunction by MD Helicopters Incorporated. (Attachments: # <u>1</u> Exhibit A - F)(MAP) (Entered: 04/16/2019)
04/16/2019	<u>16</u>	SUMMONS Submitted by MD Helicopters Incorporated. (Johnson, Brett) (Entered: 04/16/2019)
04/16/2019	<u>17</u>	NOTICE re: Proof of Defendants' Notice of Motion for TRO and Preliminary Injunction by MD Helicopters Incorporated . (Attachments: # <u>1</u> Exhibit A)(Johnson, Brett) (Entered: 04/16/2019)

04/18/2019	<u>18</u>	ORDER (text only): IT IS ORDERED that by 4/24/2019 . Plaintiff shall confer with Defendants and file a notice including: 1) a briefing schedule on the pending motion (Doc. <u>13</u>); 2) dates on which the parties will be available for a hearing on the motion; and 3) whether the hearing will be an evidentiary hearing, and if yes, an estimated length of the hearing. Ordered by Senior Judge James A. Teilborg on 4/18/2019. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (RMW) (Entered: 04/18/2019)
04/19/2019	<u>19</u>	Summons Issued as to United States of America. (BAS). *** IMPORTANT: When printing the summons, select "Document and stamps" or "Document and comments" for the seal to appear on the document. (Entered: 04/19/2019)
04/23/2019	<u>20</u>	SERVICE EXECUTED filed by MD Helicopters Incorporated: Certificate of Service re: Summons, Complaint, Motion for Temporary Restraining Order and Preliminary Injunction upon U.S. Attorney on 4/19/19. (Johnson, Brett) (Entered: 04/23/2019)
04/24/2019	<u>21</u>	STIPULATION re: 18 Order by MD Helicopters Incorporated. (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Brett) (Entered: 04/24/2019)
04/25/2019	<u>22</u>	ORDER granting <u>21</u> Stipulation of the parties to the extent that Defendants shall respond to the motion (Doc. <u>13</u> , <u>15</u>) by 5/3/2019; Plaintiff will reply by 5/10/2019. IT IS FURTHER ORDERED setting a hearing on Plaintiff's Motion for Preliminary Injunction (Doc. <u>13</u> , <u>15</u>) on Wednesday, 5/22/2019 at 10:00 AM in Courtroom 503, 401 W. Washington Street, Phoenix, Arizona 85003. [See attached order for additional information.] Signed by Senior Judge James A. Teilborg on 4/25/2019. (RMW) (Entered: 04/25/2019)
04/25/2019	<u>23</u>	MOTION to Intervene by Sikorsky Aircraft Corporation. (Attachments: # <u>1</u> Exhibit Exhibits 1-2, # <u>2</u> Exhibit Corporate Disclosure Statement, # <u>3</u> Text of Proposed Order) (Goodwin, Nicole) (Entered: 04/25/2019)
04/26/2019	<u>24</u>	ORDER (text only): IT IS ORDERED that Plaintiff MD Helicopters, Inc. ("MDHI") respond to Sikorsky Aircraft Corporation's Motion to Intervene (Doc. <u>23</u>) by Thursday, 5/2/2019 . Any reply must be filed by Wednesday, 5/8/2019 . IT IS FURTHER ORDERED that Sikorsky Aircraft Corporations must respond to MDHI's Motion for Temporary Restraining Order and Preliminary Injunction (Doc. <u>13</u>) by 5/3/2019 while the Court considers the Motion to Intervene (Doc. <u>23</u>). Ordered by Senior Judge James A. Teilborg on 4/26/2019. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (RMW) (Entered: 04/26/2019)
04/26/2019		Remark: Pro hac vice motion granted for Daniel D Straus on behalf of intervenor Sikorsky Aircraft Corporation. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 04/26/2019)
04/30/2019	<u>25</u>	MOTION for Protective Order by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Proposed Protective Order)(Nelson, Anne) (Entered: 04/30/2019)
04/30/2019	<u>26</u>	MOTION File Portions of Administrative Record in Non-Electronic Format by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Text of Proposed Order)(Nelson, Anne) (Entered: 04/30/2019)
04/30/2019	<u>27</u>	*NOTICE of Appearance of Colin P. Ahler on behalf of MD Helicopters Incorporated. (Johnson, Brett) *Modified text on 4/30/2019 (SLQ). (Entered: 04/30/2019)
05/01/2019		Remark: Pro hac vice motion granted for Jennifer S Zucker on behalf of Sikorsky Aircraft Corporation. This is a TEXT ENTRY ONLY. There is no PDF document

		associated with this entry. (BAS) (Entered: 05/01/2019)
05/01/2019	<u>28</u>	ORDER granting <u>25</u> Defendants' Motion for entry of a Protective Order such that the parties shall comply with the terms and conditions of this Protective Order. [See attached order for complete details.] Signed by Senior Judge James A. Teilborg on 5/1/2019. (RMW) (Entered: 05/01/2019)
05/01/2019	<u>29</u>	ORDER that the motion to file spreadsheets non-electronically (Doc. <u>26</u>) is denied without prejudice. [See attached order for additional information.] Signed by Senior Judge James A. Teilborg on 5/1/2019. (RMW) (Entered: 05/01/2019)
05/02/2019	<u>30</u>	RESPONSE in Opposition re: <u>23</u> MOTION to Intervene filed by MD Helicopters Incorporated. (Flint, Derek) (Entered: 05/02/2019)
05/02/2019	<u>31</u>	MOTION for Access to Information Under Protective Order by MD Helicopters Incorporated. (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Brett) (Entered: 05/02/2019)
05/02/2019	<u>32</u>	MOTION for Access to Information Under Protective Order by MD Helicopters Incorporated. (Attachments: # <u>1</u> Text of Proposed Order)(Spencer, Eric) (Entered: 05/02/2019)
05/02/2019	<u>33</u>	MOTION for Access to Information Under Protective Order by MD Helicopters Incorporated. (Attachments: # <u>1</u> Text of Proposed Order)(Flint, Derek) (Entered: 05/02/2019)
05/02/2019	<u>34</u>	MOTION for Access to Information Under Protective Order by MD Helicopters Incorporated. (Attachments: # <u>1</u> Text of Proposed Order)(Ahler, Colin) (Entered: 05/02/2019)
05/03/2019	<u>35</u>	* MOTION to Seal Document re: <u>37</u> , <u>38</u> , <u>39</u> <i>Seal Portions of Administrative Record</i> by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Text of Proposed Order)(Nelson, Anne) *Modified to correct document links on 6/6/2019 (SLQ). (Entered: 05/03/2019)
05/03/2019	<u>36</u>	NOTICE re: filing Administrative Record by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America re: <u>35</u> MOTION to Seal Document <u>28</u> Order on Motion for Protective Order <i>Seal Portions of Administrative Record</i> . (Attachments: # <u>1</u> Index to Administrative Record, # <u>2</u> Certification of Record, # <u>3</u> Item 2 AR 00001-000118, # <u>4</u> Item 11 AR 002010-002012, # <u>5</u> Item 12 AR 002013 - 002015, # <u>6</u> Item 13 AR 002016 - 002017, # <u>7</u> Item 14 AR 002018 - 002066)(Nelson, Anne) (Entered: 05/03/2019)
05/03/2019	<u>40</u>	MOTION to Seal Document re: <u>28</u> Order on Motion for Protective Order by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Text of Proposed Order)(Nelson, Anne) (Entered: 05/03/2019)
05/03/2019	<u>41</u>	*FILED at <u>82</u> * SEALED LODGED Proposed Response to TRO/PI and Declarations of Friedman and Diedrich re: <u>40</u> MOTION to Seal Document <u>28</u> Order on Motion for Protective Order . Document to be filed by Clerk if Motion or Stipulation to Seal is granted. Filed by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Declaration of David Friedman, # <u>2</u> Declaration of Linda Diedrich)(Nelson, Anne) Modified on 6/7/2019 (SLQ). (Entered: 05/03/2019)
05/03/2019	<u>42</u>	DECLARATION of Walter Rugen re: <u>40</u> MOTION to Seal Document <u>28</u> Order on Motion for Protective Order , <u>41</u> Sealed Lodged Proposed Document by Defendants Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States

		of America. (Attachments: # <u>1</u> Exhibit C to Diedrich Declaration)(Nelson, Anne) (Entered: 05/03/2019)
05/03/2019	<u>43</u>	RESPONSE in Opposition re: <u>13</u> MOTION for Temporary Restraining Order (<i>Redacted</i>) filed by Sikorsky Aircraft Corporation. (Attachments: # <u>1</u> Exhibit Index and Exhibits 1-3) (Goodwin, Nicole) (Entered: 05/03/2019)
05/06/2019	<u>44</u>	STIPULATION <i>for an Extension of Time to File a Reply Brief in Support of Motion for TRO and Preliminary Injunction (First Request)</i> by MD Helicopters Incorporated. (Attachments: # <u>1</u> Text of Proposed Order)(Flint, Derek) (Entered: 05/06/2019)
05/06/2019	<u>45</u>	ORDER re: <u>44</u> Stipulation for Extension of Time: Because the Court needs adequate time to consider the parties' filings prior to the hearing, IT IS ORDERED that the stipulation to extend time (Doc. <u>44</u>) is denied. Plaintiff has until 8:00 AM, Monday, 5/13/2019, to file their Reply. Any further requests for an extension of time must also request to continue the hearing. Ordered by Senior Judge James A. Teilborg on 5/6/2019. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (RMW) (Entered: 05/06/2019)
05/08/2019	<u>46</u>	REPLY to Response to Motion re: <u>23</u> MOTION to Intervene filed by Sikorsky Aircraft Corporation. (Goodwin, Nicole) (Entered: 05/08/2019)
05/08/2019	<u>47</u>	RESPONSE to Motion re: <u>40</u> MOTION to Seal Document <u>28</u> Order on Motion for Protective Order , <u>15</u> SEALED MOTION for Temporary Restraining Order SEALED MOTION for Preliminary Injunction <i>Redacted Response to Motion for TRO</i> filed by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Redacted Declaration of David Friedman, # <u>2</u> Redacted Declaration of Linda Diedrich, # <u>3</u> Certificate of Service)(Nelson, Anne) (Entered: 05/08/2019)
05/08/2019	<u>48</u>	ORDER denying as unnecessary Docs. <u>31</u> , <u>32</u> , <u>33</u> , and <u>34</u> . [See attached order for further information.] Signed by Senior Judge James A. Teilborg on 5/8/2019. (RMW) (Entered: 05/08/2019)
05/10/2019	<u>49</u>	ORDER granting <u>23</u> Sikorsky's Motion to Intervene to the extent that the Court will permit Sikorsky to intervene as a matter of right pursuant to Fed. R. Civ. P. 24(a)(2). [See attached order for additional information.] Signed by Senior Judge James A. Teilborg on 5/10/2019. (RMW) (Entered: 05/10/2019)
05/10/2019	<u>50</u>	STIPULATION <i>to Continue Hearing Date for Plaintiff's Motion for Temporary Restraining Order/Preliminary Injunction AND Request for Extension of Time to File Reply Brief in Support of Plaintiff's Motion for Temporary Restraining Order/Preliminary Injunction</i> by MD Helicopters Incorporated. (Attachments: # <u>1</u> Text of Proposed Order) (Johnson, Brett) (Entered: 05/10/2019)
05/10/2019	<u>51</u>	ORDER re: <u>50</u> Parties' Joint Stipulation to Continue Hearing Date for Plaintiff's Motion for Temporary Restraining Order/Preliminary Injunction. IT IS ORDERED that the Hearing on Plaintiff's Motion set for 5/22/2019 is hereby VACATED and reset for Monday, 6/24/2019 at 9:30 AM . IT IS FURTHER ORDERED that Plaintiff MD Helicopters, Inc. shall have until <u>5/16/2019</u> to file its reply in support of its Motion for TRO and Preliminary Injunction. IT IS FURTHER ORDERED that the deadline to file the joint pre-hearing statement is reset to 6/11/2019. The Parties will provide a joint pre-hearing statement that includes all of the information in this Court's order dated 4/25/2019 (Doc. <u>22</u>). Signed by Senior Judge James A. Teilborg on 5/10/2019. (RMW) (Entered: 05/10/2019)
05/13/2019	<u>52</u>	APPLICATION re: Access to Information Under Protective Order by Outside or Inside Counsel by Intervenor Sikorsky Aircraft Corporation. (Goodwin, Nicole) (Entered: 05/13/2019)

		05/13/2019)
05/13/2019	<u>53</u>	APPLICATION re: for Access to Information Under Protective Order by Outside or Inside Counsel by Intervenor Sikorsky Aircraft Corporation. (Straus, Daniel) (Entered: 05/13/2019)
05/13/2019	<u>54</u>	APPLICATION re: Access to Information Under Protective Order by Outside or Inside Counsel by Intervenor Sikorsky Aircraft Corporation. (Zucker, Jennifer) (Entered: 05/13/2019)
05/15/2019	<u>55</u>	ORDER (text only): IT IS ORDERED that Plaintiff MD Helicopters, Inc. ("MDHI") deliver to the Court a paper copy of the exhibits filed at Doc. [15-1] by no later than Tuesday, 5/21/2019. These exhibits should be organized in a binder. Ordered by Senior Judge James A. Teilborg on 5/15/2019. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (RMW) (Entered: 05/15/2019)
05/16/2019	<u>56</u>	MOTION to Seal Document <i>Portions of Reply in Support of Motion for TRO and Preliminary Injunction Under Seal</i> by MD Helicopters Incorporated. (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Brett) (Entered: 05/16/2019)
05/16/2019	<u>57</u>	*FILED at <u>83</u> * SEALED LODGED Proposed Plaintiff's Reply in Support of Motion for TRO and Preliminary Injunction re: <u>56</u> MOTION to Seal Document <i>Portions of Reply in Support of Motion for TRO and Preliminary Injunction Under Seal</i> . Document to be filed by Clerk if Motion or Stipulation to Seal is granted. Filed by MD Helicopters Incorporated. (Johnson, Brett) Modified on 6/7/2019 (SLQ). (Entered: 05/16/2019)
05/20/2019	<u>58</u>	ORDER re: <u>35</u> Motion to File Portions of Administrative Record Under Seal: IT IS ORDERED that by Thursday, 5/23/2019 Defendants shall file a supplement to their Motion clarifying whether they request that item 10 of the Certified Administrative Record be filed under seal. IT IS FURTHER ORDERED that by Thursday, 5/23/2019 Defendants lodge under seal item 15, the Evaluation Plan for Initial Selection dated 12/20/2019, AR 002067002085. [See attached order for additional information.] Signed by Senior Judge James A. Teilborg on 5/20/2019. (RMW) (Entered: 05/20/2019)
05/20/2019	<u>59</u>	MOTION for Extension of Time to File Answer (<i>First Request</i>) by Sikorsky Aircraft Corporation. (Attachments: # <u>1</u> Text of Proposed Order)(Goodwin, Nicole) (Entered: 05/20/2019)
05/20/2019	<u>60</u>	Supplemental MOTION to Seal Document <u>58</u> Order, <u>35</u> MOTION to Seal Document <u>28</u> Order on Motion for Protective Order <i>Seal Portions of Administrative Record</i> by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Text of Proposed Order)(Nelson, Anne) (Entered: 05/20/2019)
05/20/2019	<u>61</u>	NOTICE re: Lodging Item 15 of Administrative Record Under Seal by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America re: <u>60</u> Supplemental MOTION to Seal Document <u>58</u> Order, <u>35</u> MOTION to Seal Document <u>28</u> Order on Motion for Protective Order <i>Seal Portions of Administrative Record</i> , <u>58</u> Order, <u>35</u> MOTION to Seal Document <u>28</u> Order on Motion for Protective Order <i>Seal Portions of Administrative Record</i> . (Nelson, Anne) (Entered: 05/20/2019)
05/20/2019	<u>63</u>	MOTION to Intervene by AVX Aircraft Company. (Attachments: # <u>1</u> Text of Proposed Order)(Beauchamp, Keith) (Entered: 05/20/2019)
05/20/2019	<u>64</u>	Joinder re: <u>43</u> Response in Opposition to Motion, <u>47</u> Response to Motion by Intervenor AVX Aircraft Company. (Beauchamp, Keith) (Entered: 05/20/2019)
05/21/2019	<u>65</u>	ORDER (text only): IT IS ORDERED that Plaintiff MD Helicopters, Inc. ("MDHI") respond to AVX Aircraft Company's Motion to Intervene (Doc. <u>63</u>) by Tuesday,

		5/28/2019 . Any reply must be filed by Monday, 6/3/2019 . Ordered by Senior Judge James A. Teilborg on 5/21/2019. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (RMW) (Entered: 05/21/2019)
05/21/2019	<u>66</u>	REPLY to Response to Motion re: <u>13</u> MOTION for Temporary Restraining Order (<i>Redacted</i>) filed by MD Helicopters Incorporated. (Flint, Derek) (Entered: 05/21/2019)
05/21/2019	<u>67</u>	ORDER granting the Stipulated Motion to Extend Intervenor Sikorsky Aircraft Corporation's Deadline to Respond to the Complaint, (Doc. <u>59</u>), to the extent that Intervenor Sikorsky Aircraft Corporation shall respond to Plaintiff's Complaint no later than 6/19/2019 . Signed by Senior Judge James A. Teilborg on 5/21/2019. (RMW) (Entered: 05/21/2019)
05/24/2019	<u>68</u>	ORDER: IT IS ORDERED that Defendants United States of America, et al. file a supplemental brief by Thursday, May 30, 2019 addressing whether the Administrative Dispute Resolution Act ("ADRA"), 28 U.S.C. § 1491(b), is applicable in this case and terminates district court jurisdiction. (<i>See</i> Docs. 43 at 8; 66 at 2-3). Ordered by Senior Judge James A. Teilborg on 5/24/2019. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 05/24/2019)
05/28/2019	<u>69</u>	RESPONSE in Opposition re: <u>63</u> MOTION to Intervene filed by MD Helicopters Incorporated. (Flint, Derek) (Entered: 05/28/2019)
05/30/2019	<u>70</u>	MEMORANDUM Supplemental Brief on Jurisdiction 68 Order by Defendants Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Nelson, Anne) (Entered: 05/30/2019)
06/03/2019	<u>71</u>	ANSWER to <u>1</u> Complaint by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America.(Nelson, Anne) (Entered: 06/03/2019)
06/03/2019	<u>72</u>	*MOTION to Seal Document per <u>28</u> Order on Motion for Protective Order by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Text of Proposed Order)(Nelson, Anne) (Entered: 06/03/2019)
06/03/2019	<u>73</u>	NOTICE re: Lodging Additional Documents for Administrative Record by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America re: <u>36</u> Notice (Other) . (Attachments: # <u>1</u> Declaration and Index)(Nelson, Anne) (Entered: 06/03/2019)
06/03/2019	<u>75</u>	REPLY to Response to Motion re: <u>63</u> MOTION to Intervene filed by AVX Aircraft Company. (Beauchamp, Keith) (Entered: 06/03/2019)
06/03/2019	<u>76</u>	MOTION for Hearing or Conference re: Pre-Hearing Telephonic Status Conference by MD Helicopters Incorporated. (Attachments: # <u>1</u> Text of Proposed Order)(Flint, Derek) (Entered: 06/03/2019)
06/03/2019		Remark: Pro hac vice motion granted for N Thomas Connally III on behalf of intervenor AVX Aircraft Company. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 06/03/2019)
06/04/2019	<u>77</u>	ORDER SETTING RULE 16 SCHEDULING CONFERENCE: Scheduling Conference set for 6/24/2019 at 11:30 AM in Courtroom 503, 401 West Washington Street, Phoenix, AZ 85003 before Senior Judge James A. Teilborg. Joint Proposed Case Management Plan due not less than ten (10) days before the Scheduling Conference. [See attached order for additional information.] Signed by Senior Judge James A. Teilborg on 6/4/2019. (RMW) (Entered: 06/04/2019)
06/04/2019	<u>78</u>	APPLICATION re: Access to Information Under Protective Order by Expert Consultant

		or Witness by Plaintiff MD Helicopters Incorporated. (Flint, Derek) (Entered: 06/04/2019)
06/06/2019	<u>79</u>	ORDER - IT IS ORDERED that the motion for a pre-hearing conference (Doc. <u>76</u>) is denied. (See document for further details). Signed by Senior Judge James A Teilborg on 6/6/19. (LAD) (Entered: 06/06/2019)
06/06/2019	<u>80</u>	ORDER - IT IS ORDERED that AVX's Motion to Intervene (Doc. <u>63</u>) is GRANTED to the extent that the Court will permit AVX to intervene as a matter of right pursuant to Fed. R. Civ. P. 24(a)(2). (See document for further details). Signed by Senior Judge James A Teilborg on 6/6/19. (LAD) (Entered: 06/06/2019)
06/07/2019	<u>37</u>	*SEALED Administrative Record Items 3 -10 re: <u>35</u> MOTION to Seal Document <u>28</u> Order on Motion for Protective Order <i>Seal Portions of Administrative Record</i> . Filed by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Item 3 AR 000119-128, # <u>2</u> Item 4 AR 00129-205, # <u>3</u> Item 4 AR 000206-274, # <u>4</u> Item 5 AR 000275-346, # <u>5</u> Item 6 AR 000347-374, # <u>6</u> Item 7 AR 000375-1568, # <u>7</u> Item 7 AR 001569-1784, # <u>8</u> Item 7 AR 001785-1813, # <u>9</u> Item 7 AR 001814-1839, # <u>10</u> Item 7 AR 001840-1885, # <u>11</u> Item 7 AR 001886-1897, # <u>12</u> Item 7 AR 001898 -1904, # <u>13</u> Item 7 AR 001905-1981, # <u>14</u> Item 8 AR 001982-1993, # <u>15</u> Item 8 AR 001994-2007, # <u>16</u> Item 9 AR 002008, # <u>17</u> Item 10 AR 2009)(Nelson, Anne) *Modified from lodged to filed per order <u>81</u> ; NEF regenerated on 6/7/2019 (SLQ)/(SCH). (Entered: 05/03/2019)
06/07/2019	<u>38</u>	*SEALED Administrative Record re: <u>35</u> MOTION to Seal Document <u>28</u> Order on Motion for Protective Order <i>Seal Portions of Administrative Record</i> . Filed by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Item 16, # <u>2</u> Item 17, # <u>3</u> Item 18, # <u>4</u> Item 19 part 1 of 2, # <u>5</u> Item 19 part 2 of 2, # <u>6</u> Item 20 part 1 of 2, # <u>7</u> Item 20 part 2 of 2, # <u>8</u> Item 21, # <u>9</u> Item 22)(Nelson, Anne) *Modified from lodged to filed per order <u>81</u> ; NEF regenerated on 6/7/2019 (SLQ)/(SCH). (Entered: 05/03/2019)
06/07/2019	<u>39</u>	*SEALED Administrative Record re: <u>35</u> MOTION to Seal Document <u>28</u> Order on Motion for Protective Order <i>Seal Portions of Administrative Record</i> . Filed by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Item 23 part 2 of 6, # <u>2</u> Item 23 part 3 of 6, # <u>3</u> Item 23 part 4 of 6, # <u>4</u> Item 23 part 5 of 6, # <u>5</u> Item 23 part 6 of 6, # <u>6</u> Item 24 part 1 of 4, # <u>7</u> Item 24 part 2 of 4, # <u>8</u> Item 24 part 3 of 4, # <u>9</u> Item 24 part 4 of 4, # <u>10</u> Item 25, # <u>11</u> Item 26) (Nelson, Anne) *Modified from lodged to filed per order <u>81</u> ; NEF regenerated on 6/7/2019 (SLQ)/(SCH). (Entered: 05/03/2019)
06/07/2019	<u>62</u>	*SEALED Item 15 to Certified Administrative Record re: <u>60</u> Supplemental MOTION to Seal Document <u>58</u> Order, <u>35</u> MOTION to Seal Document <u>28</u> Order on Motion for Protective Order <i>Seal Portions of Administrative Record</i> , <u>35</u> MOTION to Seal Document <u>28</u> Order on Motion for Protective Order <i>Seal Portions of Administrative Record</i> . Document to be filed by Clerk if Motion or Stipulation to Seal is granted. Filed by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Nelson, Anne) *Modified from lodged to filed per order <u>81</u> ; NEF regenerated on 6/7/2019 (SLQ)/(SCH). (Entered: 05/20/2019)
06/07/2019	<u>74</u>	*SEALED Items 27 through 30 to Administrative Record re: <u>72</u> MOTION to Seal Document per <u>28</u> Order on Motion for Protective Order . Filed by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Item 27, # <u>2</u> Item 28, # <u>3</u> Item 29, # <u>4</u> Item 30)(Nelson, Anne) *Modified from lodged to filed per order <u>81</u> ; NEF regenerated on 6/7/2019 (SLQ)/(SCH). (Entered: 06/03/2019)

06/07/2019	<u>81</u>	ORDER - IT IS ORDERED that Defendants' Motion to File Portions of Administrative Record Under Seal (Docs. <u>35</u> , <u>60</u>) is GRANTED. The Clerk of the Court is directed to file under seal the documents presently lodged at Docs. <u>37</u> , <u>38</u> , <u>39</u> , and <u>62</u> .IT IS FURTHER ORDERED that Defendants' Motion to File Additional Documents to Administrative Record Under Seal (Doc. <u>72</u>) is GRANTED. The Clerk of the Court is directed to file under seal the documents presently lodged at Doc. <u>74</u> . IT IS FURTHER ORDERED that Defendants' Motion to File its Response to Plaintiff's Motion for a Temporary Restraining Order/Preliminary Injunction and Declarations of Linda Diedrich and David Friedman Under Seal (Doc. <u>40</u>) is GRANTED. The Clerk of the Court is directed to file under seal the documents presently lodged at Doc. <u>41</u> . IT IS FINALLY ORDERED that Plaintiff's Motion to File Portions of Reply in Support of Motion for TRO and Preliminary Injunction Under Seal (Doc. <u>56</u>) is GRANTED. The Clerk of the Court is directed to file under seal the document presently lodged at Doc. <u>57</u> . (See document for complete details). Signed by Senior Judge James A Teilborg on 6/6/19. (SLQ) (Entered: 06/07/2019)
06/07/2019	<u>82</u>	SEALED RESPONSE to Motion re: <u>15</u> SEALED MOTION for Temporary Restraining Order SEALED MOTION for Preliminary Injunction by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Declaration of David Friedman, # <u>2</u> Declaration of Linda Dedrich) (SLQ) (Entered: 06/07/2019)
06/07/2019	<u>83</u>	SEALED REPLY to Response to Motion re: <u>15</u> SEALED MOTION for Temporary Restraining Order SEALED MOTION for Preliminary Injunction by MD Helicopters Incorporated. (SLQ) (Entered: 06/07/2019)
06/11/2019	<u>84</u>	STATEMENT of Joint Pre-Hearing Statement re: <u>22</u> Order on Stipulation, Set/Reset Deadlines/Hearings by Defendant United States of America. (Nelson, Anne) (Entered: 06/11/2019)
06/11/2019	<u>85</u>	MOTION to Seal Document <i>Federal Defendants' Proposed Findings of Fact and Conclusions of Law</i> by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Text of Proposed Order)(Nelson, Anne) (Entered: 06/11/2019)
06/11/2019	<u>86</u>	NOTICE re: Filing Federal Defendants' Proposed Findings of Fact and Conclusions of Law by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America re: <u>84</u> Statement . (Nelson, Anne) (Entered: 06/11/2019)
06/11/2019	<u>87</u>	*FILED at <u>93</u> * SEALED LODGED Proposed Federal Defendants' Proposed Findings of Fact and Conclusions of Law re: <u>85</u> MOTION to Seal Document <i>Federal Defendants' Proposed Findings of Fact and Conclusions of Law</i> . Document to be filed by Clerk if Motion or Stipulation to Seal is granted. Filed by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Nelson, Anne) Modified on 6/12/2019 (SLQ). (Entered: 06/11/2019)
06/11/2019	<u>88</u>	NOTICE re: Filing Plaintiff's Proposed Findings of Fact and Conclusions of Law by MD Helicopters Incorporated . (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Text of Proposed Order)(Flint, Derek) (Entered: 06/11/2019)
06/11/2019	<u>89</u>	MOTION to Seal Document (<i>Motion to File Its Proposed Findings of Fact and Conclusions of Law Under Seal</i>) by Sikorsky Aircraft Corporation. (Attachments: # <u>1</u> Text of Proposed Order)(Goodwin, Nicole) (Entered: 06/11/2019)
06/11/2019	<u>90</u>	NOTICE re: Filing of Its Proposed Findings of Fact and Conclusions of Law by Sikorsky Aircraft Corporation . (Goodwin, Nicole) (Entered: 06/11/2019)
06/11/2019	<u>91</u>	*FILED at <u>94</u> * SEALED LODGED Proposed Findings of Fact and Conclusions of Law.

		Document to be filed by Clerk if <u>89</u> Motion or Stipulation to Seal is granted. Filed by Sikorsky Aircraft Corporation. (Goodwin, Nicole) *Modified to link to Motion to Seal on 6/12/2019 (SCH). Modified on 6/12/2019 (SLQ). (Entered: 06/11/2019)
06/12/2019	<u>92</u>	ORDER - IT IS ORDERED that Defendants' Motion to File Proposed Findings of Fact and Conclusions of Law Under Seal (Doc. <u>85</u>) is GRANTED. IT IS FURTHER ORDERED that Sikorsky's Motion to File Its Proposed Findings of Fact and Conclusions of Law Under Seal (Doc. <u>89</u>) is GRANTED. (See document for complete details). Signed by Senior Judge James A Teilborg on 6/12/19. (SLQ) (Entered: 06/12/2019)
06/12/2019	<u>93</u>	SEALED Federal Defendants' Proposed Findings of Fact and Conclusions of Law by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (SLQ) (Entered: 06/12/2019)
06/12/2019	<u>94</u>	SEALED Intervenor Sikorsky Aircraft Corporation's Proposed Findings of Fact and Conclusions of Law by Sikorsky Aircraft Corporation. (SLQ) (Entered: 06/12/2019)
06/13/2019	<u>95</u>	PROPOSED FINDINGS OF FACT <i>and Conclusions of Law (Redacted Version)</i> by Defendants Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Nelson, Anne) (Entered: 06/13/2019)
06/14/2019	<u>96</u>	NOTICE of Appearance by James Mackey Ives on behalf of Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Ives, James) (Entered: 06/14/2019)
06/14/2019	<u>97</u>	*Rule 26(f) Report for Mandatory Initial Discovery Pilot (MIDP) filed by Plaintiff MD Helicopters Incorporated. (Johnson, Brett) *Modified to reflect Local Rule violation on 6/14/2019 (SST). (Entered: 06/14/2019)
06/14/2019	<u>98</u>	NOTICE TO FILER OF DEFICIENCY re: <u>97</u> Rule 26(f) Report re MIDP filed by MD Helicopters Incorporated. Document not in compliance with LRCiv 5.5(g) - Documents signed by an attorney shall be filed using that attorney's ECF log-in and password and shall not be filed using a log-in and password belonging to another attorney. Document signed by attorney Derek C. Flint but submitted using the log-in and password belonging to attorney Brett Johnson. <i>No further action is required. Please do not refile.</i> This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SST) (Entered: 06/14/2019)
06/14/2019	<u>99</u>	PROPOSED FINDINGS OF FACT <i>and Conclusions of Law (REDACTED)</i> by Intervenor Sikorsky Aircraft Corporation. (Goodwin, Nicole) (Entered: 06/14/2019)
06/17/2019	<u>100</u>	APPLICATION re: ACCESS TO INFORMATION UNDER PROTECTIVE ORDER BY OUTSIDE OR INSIDE COUNSEL by Intervenor AVX Aircraft Company. (Attachments: # <u>1</u> Text of Proposed Order)(Desai, Roopali) (Entered: 06/17/2019)
06/17/2019	<u>101</u>	*APPLICATION re: ACCESS TO INFORMATION UNDER PROTECTIVE ORDER BY OUTSIDE OR INSIDE COUNSEL by Intervenor AVX Aircraft Company. (Attachments: # <u>1</u> Text of Proposed Order)(Desai, Roopali) *Modified to reflect Local Rule violation on 6/18/2019 (SST). (Entered: 06/17/2019)
06/17/2019	<u>102</u>	APPLICATION re: Access to Information Under Protective Order by Outside or Inside Counsel by Intervenor AVX Aircraft Company. (Attachments: # <u>1</u> Text of Proposed Order)(Connally, N) (Entered: 06/17/2019)
06/17/2019	<u>103</u>	NOTICE re: Service of Expert Report by MD Helicopters Incorporated . (Flint, Derek) (Entered: 06/17/2019)
06/17/2019	<u>104</u>	STIPULATION <i>to Seal June 24 TRO/PI Hearing</i> by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Text

		of Proposed Order)(Nelson, Anne) (Entered: 06/17/2019)
06/17/2019	<u>106</u>	NOTICE TO FILER OF DEFICIENCY re: <u>101</u> Application filed by AVX Aircraft Company. Document not in compliance with LRCiv 5.5(g) - Documents signed by an attorney shall be filed using that attorney's ECF log-in and password and shall not be filed using a log-in and password belonging to another attorney. Document signed by attorney Keith Beauchamp but submitted using the log-in and password belonging to attorney Roopali Desai. <i>No further action is required. Please do not refile.</i> This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SST) (Entered: 06/18/2019)
06/18/2019	<u>105</u>	NOTICE OF ATTORNEY'S CHANGE OF ADDRESS/FIRM NAME by N Thomas Connally, III. (Connally, N) (Entered: 06/18/2019)
06/18/2019	<u>107</u>	NOTICE re: Withdrawal by MD Helicopters Incorporated re: <u>13</u> MOTION for Temporary Restraining Order (<i>Redacted</i>) and MOTION to Vacate Hearing. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Flint, Derek) (Entered: 06/18/2019)
06/19/2019	<u>108</u>	ORDER re: <u>107</u> notice of withdrawal of the pending motion for TRO and Preliminary Injunction. IT IS ORDERED that by 8:00 AM, Thursday, 6/20/2019 , Plaintiff shall file a notice indicating, given the foregoing, whether it still seeks to withdraw the pending motions and thereby waive any opportunity to seek a TRO or Preliminary Injunction in this case. [See attached order for additional information.] Signed by Senior Judge James A. Teilborg on 6/19/2019. (RMW) (Entered: 06/19/2019)
06/19/2019	<u>109</u>	NOTICE re: Confirming Withdrawal of Motion for TRO and Preliminary Injunction by MD Helicopters Incorporated re: <u>108</u> Order . (Flint, Derek) (Entered: 06/19/2019)
06/19/2019	<u>110</u>	ANSWER to <u>1</u> Complaint by Sikorsky Aircraft Corporation.(Goodwin, Nicole) (Entered: 06/19/2019)
06/20/2019	<u>111</u>	ORDER re: Notices from Plaintiff (Docs. <u>107</u> and <u>109</u>): IT IS ORDERED that the pending motions for a temporary restraining order and preliminary injunction are deemed to be withdrawn (Docs. <u>13</u> and <u>15</u>). IT IS FURTHER ORDERED vacating the hearing on these motions (set for 9:00 AM Monday, 6/24/2019). IT IS FURTHER ORDERED that the stipulation to seal the hearing (Doc. <u>104</u>) is denied as moot. IT IS FINALLY ORDERED confirming the Rule 16 scheduling conference on Monday, 6/24/2019 at 11:30 AM. Signed by Senior Judge James A. Teilborg on 6/20/2019. (RMW) (Entered: 06/20/2019)
06/20/2019	<u>112</u>	MOTION for Leave to Appear Telephonically for the 6/24/19 Scheduling Conference by Sikorsky Aircraft Corporation. (Attachments: # <u>1</u> Text of Proposed Order)(Goodwin, Nicole) (Entered: 06/20/2019)
06/20/2019	<u>113</u>	ORDER (text only): IT IS ORDERED granting Jennifer Zucker's motion for leave to appear telephonically (Doc. <u>112</u>); however, because the Court can only accept one phone call in, and because James Mackey Ives has already been granted leave to appear telephonically, Ms. Zucker must contact Mr. Ives (at 703-693-1088) and arrange to be on a conference call with him when they jointly call the Court at the time of the hearing. Ordered by Senior Judge James A. Teilborg on 6/20/2019. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (RMW) (Entered: 06/20/2019)
06/24/2019	<u>114</u>	MINUTE ENTRY for proceedings held before Senior Judge James A. Teilborg: Scheduling Conference held on 6/24/2019. Case deadlines set. Separate order to issue. [See attached pdf for complete details.] (Court Reporter Laurie Adams) Hearing held 11:34 AM to 11:57 AM. (RMW) (Entered: 06/24/2019)

06/24/2019	<u>115</u>	RULE 16 SCHEDULING ORDER: Discovery due by 9/16/2019. Dispositive motions due by 9/23/2019. [See attached order for complete details.] Signed by Senior Judge James A. Teilborg on 6/24/2019. (RMW) (Entered: 06/24/2019)
07/31/2019	116	ORDER (text only): The parties having contacting the Court, a Discovery Dispute Hearing is set for 8/2/2019, at 02:00 PM in Courtroom 503, 401 West Washington Street, Phoenix, AZ 85003 before Senior Judge James A. Teilborg. IT IS FURTHER ORDERED that by 8:00 AM Friday, 8/2/2019 , the parties shall submit simultaneous briefing, not to exceed two (2) pages, clarifying each party's position on the issue regarding expert disclosure deadlines. Ordered by Senior Judge James A. Teilborg on 7/31/2019. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (RMW) (Entered: 07/31/2019)
08/01/2019	<u>117</u>	*MOTION for Leave to File Position Brief re Expert Disclosure Deadlines Under Seal by MD Helicopters Incorporated. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Flint, Derek) *Modified event from Motion for Leave to File to Motion to Seal Document on 8/2/2019 (SCH). (Entered: 08/01/2019)
08/01/2019	<u>118</u>	*FILED at <u>130</u> * SEALED LODGED Proposed Plaintiff's Position Brief re Expert Disclosure Deadlines re: <u>117</u> MOTION for Leave to File Position Brief re Expert Disclosure Deadlines Under Seal . Document to be filed by Clerk if Motion or Stipulation to Seal is granted. Filed by MD Helicopters Incorporated. (Flint, Derek) Modified on 8/5/2019 (SLQ). (Entered: 08/01/2019)
08/02/2019	<u>119</u>	BRIEF re: 116 Order, Set/Reset Hearings by Defendants Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Nelson, Anne) (Entered: 08/02/2019)
08/02/2019	<u>120</u>	MOTION to Seal Document <i>Expert Report of Dr. Timothy Sestak</i> by Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Text of Proposed Order)(Nelson, Anne) (Entered: 08/02/2019)
08/02/2019	<u>121</u>	*FILED at <u>129</u> * SEALED LODGED Proposed Expert Report of Dr. Timothy Sestak re: <u>120</u> MOTION to Seal Document <i>Expert Report of Dr. Timothy Sestak</i> . Document to be filed by Clerk if Motion or Stipulation to Seal is granted. Filed by Patrick M Shanahan, United States Department of the Army, United States of America. (Nelson, Anne) Modified on 8/5/2019 (SLQ). (Entered: 08/02/2019)
08/02/2019	<u>122</u>	BRIEF re: 116 Order, Set/Reset Hearings by Intervenor Sikorsky Aircraft Corporation. (Goodwin, Nicole) (Entered: 08/02/2019)
08/02/2019	<u>123</u>	NOTICE of Appearance by Aaron Thomas Lloyd on behalf of Sikorsky Aircraft Corporation. (Lloyd, Aaron) (Entered: 08/02/2019)
08/02/2019	<u>124</u>	NOTICE re: Plaintiff's Position Brief Regarding Expert Disclosure Deadlines by MD Helicopters Incorporated . (Flint, Derek) (Entered: 08/02/2019)
08/02/2019	<u>125</u>	REDACTION to <u>121</u> Sealed Lodged Proposed Document by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Nelson, Anne) (Entered: 08/02/2019)
08/02/2019	<u>126</u>	MINUTE ENTRY for proceedings held before Senior Judge James A. Teilborg: Discovery Dispute Hearing held on 8/2/2019. IT IS ORDERED that Dr. Sestak's expert report be excluded from consideration in this action. IT IS FURTHER ORDERED that the Government's request to extend expert disclosure deadlines is deemed moot. [See attached pdf for complete details.] (Court Reporter Barbara Stockford) Hearing held 1:58 PM to 2:24 PM. (RMW) (Entered: 08/02/2019)
08/02/2019	<u>127</u>	NOTICE of Errata re: <u>124</u> Notice (Other) of <i>Errata Regarding Document 124</i> by Plaintiff

		MD Helicopters Incorporated.. (Attachments: # <u>1</u> Exhibit Exhibit A)(Flint, Derek) (Entered: 08/02/2019)
08/05/2019	<u>128</u>	ORDER - IT IS ORDERED that the Federal Defendants' Motion to File Expert Report of Dr. Timothy Sestak Under Seal (Doc. <u>120</u>) is GRANTED. The Clerk of the Court is directed to file under seal the document presently lodged at Doc. <u>121</u> . IT IS FURTHER ORDERED that MDHI's Motion to File Plaintiff's Position Brief Re Expert Disclosure Deadlines Under Seal (Doc. <u>117</u>) is GRANTED. The Clerk of the Court is directed to file under seal the document presently lodged at Doc. <u>118</u> . (See document for complete details). Signed by Senior Judge James A Teilborg on 8/2/19. (SLQ) (Entered: 08/05/2019)
08/05/2019	<u>129</u>	Sealed Document - Expert Report of Dr. Timothy Sestak by Patrick M Shanahan, United States Department of the Army, United States of America. (SLQ) (Entered: 08/05/2019)
08/05/2019	<u>130</u>	Sealed Document - Plaintiff's Position Brief Regarding Expert Disclosure Deadlines by MD Helicopters Incorporated. (SLQ) (Entered: 08/05/2019)
09/23/2019	<u>131</u>	MOTION to Seal Document <i>Federal Defendants Motion for Summary Judgment and Exhibits</i> by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Text of Proposed Order)(Nelson, Anne) (Entered: 09/23/2019)
09/23/2019	<u>132</u>	*MOTION DENIED BY DOC. <u>150</u> *SEALED LODGED Proposed Motion for Summary Judgment and Exhibits re: <u>131</u> MOTION to Seal Document <i>Federal Defendants Motion for Summary Judgment and Exhibits</i> . Document to be filed by Clerk if Motion or Stipulation to Seal is granted. Filed by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Tab 2, # <u>3</u> Tab 4, # <u>4</u> Tab 12, # <u>5</u> Tab 15, # <u>6</u> Tab 16, # <u>7</u> Tab 17, # <u>8</u> Tab 18, # <u>9</u> Tab 23, # <u>10</u> Tab 24, # <u>11</u> Tab 25, # <u>12</u> Tab 26, # <u>13</u> Tab 27, # <u>14</u> Tab 29, # <u>15</u> Declaration of David Friedmann)(Nelson, Anne) *Modified on 1/24/2020 (MAP). (Entered: 09/23/2019)
09/23/2019	<u>133</u>	MOTION to Seal Document by MD Helicopters Incorporated. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Flint, Derek) (Entered: 09/23/2019)
09/23/2019	<u>134</u>	*MOTION DENIED BY DOC. <u>150</u> *SEALED LODGED Proposed Motion for Summary Judgment re: <u>133</u> MOTION to Seal Document . Document to be filed by Clerk if Motion or Stipulation to Seal is granted. Filed by MD Helicopters Incorporated. (Attachments: # <u>1</u> Exhibit 1)(Flint, Derek) *Modified on 1/24/2020 (MAP). (Entered: 09/23/2019)
09/27/2019	<u>135</u>	MOTION for Summary Judgment by MD Helicopters Incorporated. (Attachments: # <u>1</u> Exhibit Exhibit #1)(Flint, Derek) (Entered: 09/27/2019)
09/30/2019	<u>136</u>	*MOTION for Summary Judgment (Redacted) by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Tab 4 redacted, # <u>2</u> Tab 15 redacted, # <u>3</u> Tab 16 redacted, # <u>4</u> Tab 17 redacted, # <u>5</u> Tab 18 redacted, # <u>6</u> Tab 23 redacted, # <u>7</u> Tab 24 redacted, # <u>8</u> Tab 25 redacted, # <u>9</u> Tab 26 redacted, # <u>10</u> Tab 27 redacted, # <u>11</u> Tab 29 redacted, # <u>12</u> Tab 30 redacted)(Nelson, Anne) *Modified to correct event on 10/8/2019 (RMV). (Entered: 09/30/2019)
10/23/2019	<u>137</u>	MOTION to Seal Document <i>US Response to MDHI's Motion for Summary Judgment</i> by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Text of Proposed Order)(Nelson, Anne) (Entered: 10/23/2019)
10/23/2019	<u>138</u>	*MOTION DENIED BY DOC. <u>150</u> *SEALED LODGED Proposed US Response to

		MDHI's Motion for Summary Judgment with Exhibits re: <u>137</u> MOTION to Seal Document <i>US Response to MDHI's Motion for Summary Judgment</i> . Document to be filed by Clerk if Motion or Stipulation to Seal is granted. Filed by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Exhibit Index, # <u>2</u> Tab 15 Excerpts, # <u>3</u> Tab 20 Excerpts, # <u>4</u> Tab 24 Excerpts)(Nelson, Anne) *Modified on 1/24/2020 (MAP). (Entered: 10/23/2019)
10/23/2019	<u>139</u>	MOTION to Seal Document <i>Portions of Its Response in Opposition to Defendants' Motion for Summary Judgment</i> by MD Helicopters Incorporated. (Attachments: # <u>1</u> Text of Proposed Order)(Flint, Derek) (Entered: 10/23/2019)
10/23/2019	<u>140</u>	*MOTION DENIED BY DOC. <u>150</u> *SEALED LODGED Proposed Plaintiff's Response in Opposition to Defendants' Motion for Summary Judgment re: <u>139</u> MOTION to Seal Document <i>Portions of Its Response in Opposition to Defendants' Motion for Summary Judgment</i> . Document to be filed by Clerk if Motion or Stipulation to Seal is granted. Filed by MD Helicopters Incorporated. (Flint, Derek) *Modified on 1/24/2020 (MAP). (Entered: 10/23/2019)
10/25/2019	<u>141</u>	RESPONSE to Motion re: <u>136</u> MOTION for Summary Judgment (Redacted) <i>in Opposition</i> filed by MD Helicopters Incorporated. (Flint, Derek) (Entered: 10/25/2019)
10/25/2019	<u>142</u>	REDACTION to <u>138</u> Sealed Lodged Proposed Document <i>US Response to Plaintiff's Motion for Summary Judgment</i> by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Exhibit Index, # <u>2</u> Tab 15, # <u>3</u> Tab 20, # <u>4</u> Tab 24)(Nelson, Anne) (Entered: 10/25/2019)
11/07/2019	<u>143</u>	*MOTION DENIED BY DOC. <u>150</u> *SEALED LODGED Proposed Plaintiff's Reply in Support of Motion for Summary Judgment re: <u>135</u> MOTION for Summary Judgment re: <u>144</u> Motion to Seal Document. Document to be filed by Clerk if Motion or Stipulation to Seal is granted. Filed by MD Helicopters Incorporated. (Flint, Derek) *Modified to add link to Motion to Seal on 11/8/2019 (CEI). *Modified on 1/24/2020 (MAP). (Entered: 11/07/2019)
11/07/2019	<u>144</u>	MOTION to Seal Document <u>143</u> Sealed Lodged Proposed Document <i>Plaintiff's Reply In Support of Its Motion for Summary Judgment</i> by MD Helicopters Incorporated. (Attachments: # <u>1</u> Text of Proposed Order Order Granting Plaintiff's Motion to File Portions of Its Reply In Support of Its Motion for Summary Judgment Under Seal)(Flint, Derek) (Entered: 11/07/2019)
11/07/2019	<u>145</u>	MOTION to Seal Document <i>US Reply in Support of Motion for Summary Judgment</i> by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Attachments: # <u>1</u> Text of Proposed Order)(Nelson, Anne) (Entered: 11/07/2019)
11/07/2019	<u>146</u>	*MOTION DENIED BY DOC. <u>150</u> *SEALED LODGED Proposed US Reply in Support of Motion for Summary Judgment re: <u>145</u> MOTION to Seal Document <i>US Reply in Support of Motion for Summary Judgment</i> . Document to be filed by Clerk if Motion or Stipulation to Seal is granted. Filed by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Nelson, Anne) *Modified on 1/24/2020 (MAP). (Entered: 11/07/2019)
11/13/2019	<u>147</u>	REPLY to Response to Motion re: <u>135</u> MOTION for Summary Judgment filed by MD Helicopters Incorporated. (Flint, Derek) (Entered: 11/13/2019)
11/14/2019	<u>148</u>	REDACTION to <u>146</u> Sealed Lodged Proposed Document by Mark T Esper, Patrick M Shanahan, United States Department of the Army, United States of America. (Nelson, Anne) (Entered: 11/14/2019)

11/20/2019	149	Joint MOTION to Seal Document by MD Helicopters Incorporated. (Attachments: # 1 Text of Proposed Order)(Johnson, Brett) (Entered: 11/20/2019)
01/24/2020	150	SEALED ORDER That this Case is Dismissed, Without Prejudice, for Lack of Jurisdiction in this Court. The Clerk of the Court shall enter judgment 15 days after the date of this Order unless, prior thereto, a party moves for reconsideration (see L.R. Civ. 7.2(g)) or to transfer this case to another court. FURTHER ORDERED denying without prejudice for lack of jurisdiction motions for summary judgment (Docs. 135 , 136 and lodged at Docs. 132 and 134). FURTHER ORDERED that because, for purposes of this Order, the Court did not consider any sealed materials, the Motions to Seal are denied as moot (Docs. 131 , 133 , 137 , 139 , 144 , and 145); however, all the related documents (Docs. 132 , 134 , 138 , 140 , 143 , and 146) shall remain lodged and sealed. FURTHER ORDERED that the Clerk of the Court shall file this Order under seal. The parties must, within 14 days of the date of this Order, file a motion to seal this Order which must attach a proposed redacted version of this Order to be filed in the public record. If no motion to seal is filed within 14 days,the Clerk of the Court shall unseal this Order.5 The motion at Doc. 149 is GRANTED to the limited extent specified herein. See Order for Details. Signed by Senior Judge James A Teilborg on 1/24/20. (CC: Brett William Johnson/ Colin Patrick Ahler/ Derek Conor Flint/ Eric Harmon Spencer/ Anne Elizabeth Nelson/ James Mackey Ives)(MAP) (Entered: 01/24/2020)

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