

# In the United States Court of Federal Claims

Nos. 13-608C and 13-672C  
(Filed: July 26, 2023)

\*\*\*\*\*  
 BRYNDON FISHER et al., \*  
 \*  
 Plaintiffs, \*  
 \*  
 v. \*  
 \*  
 THE UNITED STATES, \*  
 \*  
 Defendant. \*  
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## ORDER

On July 21, 2023, pursuant to the court’s show cause order of February 15, 2023, and subsequent scheduling orders, plaintiffs filed their reply brief presenting additional arguments concerning whether their claims should be dismissed under precedent binding on this court. Their reply brief changes plaintiffs’ position on dismissal and introduces at least one new argument to which defendant has not had an opportunity to respond. In these circumstances, the current state of briefing is incomplete and not helpful to the court. Accordingly, defendant shall **FILE** a surreply brief addressing arguments not previously disclosed in plaintiffs’ opening brief by **no later than Friday, August 18, 2023**.

**IT IS SO ORDERED.**

s/ Margaret M. Sweeney  
 MARGARET M. SWEENEY  
 Senior Judge