

In the United States Court of Federal Claims

No. 22-543C

(Filed: December 20, 2022)

ESIMPLICITY, INC.,

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Plaintiff,

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v.

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THE UNITED STATES,

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Defendant.

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ORDER

On September 28, 2022, the Court issued a decision remanding the case to the Department of the Navy pursuant to Rule 52.2 of the Rules of the United States Court of Federal Claims (RCFC) and ordering the parties to file either a stipulation of dismissal or a joint status report no later than November 28, 2022. *See* Order (ECF 36). The government has filed a notice of appeal. *See* Notice of Appeal (ECF 41).

On November 28, 2022, the parties filed a joint status report explaining the Navy's decision on remand. *See* Joint Status Report (ECF 42). The parties report that the Navy has reopened the solicitation, establishing a new closing date for receipt of proposals and providing instructions on proposal file size limits. *Id.* Plaintiff informs the Court that it does not intend to pursue further proceedings and takes the position that a stipulated joint dismissal would be appropriate. *Id.* The government does not consent to a stipulated joint dismissal in order to preserve its appellate rights, but it agrees that the only remaining matter in this Court is entry of final judgment. *Id.* A status conference was held on December 13, 2022 to confirm that no further proceedings in this Court are required, and both parties responded affirmatively.

I construe the Joint Status Report as a joint notice, pursuant to RCFC 52.2(e)(1)(B), that no further proceedings in this Court are required. Any further proceedings belong before the Navy as it executes this Court's instructions on remand and before the Court of Appeals if the government pursues its appeal. The Clerk of Court is therefore **DIRECTED** to enter final judgment dismissing the case. The parties shall bear their own costs.

IT IS SO ORDERED.

s/ Stephen S. Schwartz
STEPHEN S. SCHWARTZ
Judge