

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

U.S. CONFERENCE OF
CATHOLIC BISHOPS,

Plaintiff,

v.

DEPARTMENT OF STATE, et al.,

Defendants.

Civil Action No. 25-0465 (TNM)

**DEFENDANTS' MOTION FOR RELIEF
AND MEMORANDUM IN SUPPORT THEREOF**

Defendants, by and through the undersigned counsel, respectfully move for relief from Local Civil Rule 7(n). Pursuant to Local Civil Rule 7(m), the undersigned counsel, via electronic mail, requested Plaintiff's position on subject motion. Plaintiff's counsel indicated that Plaintiff oppose the relief sought in this motion.

ARGUMENT

Where a litigant seeks the "judicial review of administrative agency actions", the Court's Local Rules require the filing of a certified index of an administrative record simultaneously with any dispositive motion. Specifically, Local Rule 7(n) provides:

[i]n cases involving the judicial review of administrative agency actions, unless otherwise ordered by the Court, the agency must file a certified list of the contents of the administrative record with the Court within 30 days following service of the answer to the complaint or simultaneously with the filing of a dispositive motion, whichever occurs first.

LCvR 7(n)(1).

The Court does not need to the administrative record to resolve Plaintiff's claims. Plaintiff brings several claims under the Administrative Procedure Act, 5 U.S.C. § 706(2). As discussed in

Defendants' motion to dismiss, Plaintiff fails to demonstrate this Court has jurisdiction. Courts in this district have excused defendants from the obligation to compile an administrative record in similar circumstances—when the record is unnecessary to evaluate the motion to dismiss. *See, e.g., Connecticut v. U.S. Dep't. of Interior*, 344 F. Supp. 3d 279, 294 (D.D.C. 2018) (granting relief because the practice in this judicial district is that when the administrative record is unnecessary to evaluate the motion to dismiss, courts will waive compliance with this Local Rule 7(n)'s requirements); *Mdewakanton Sioux Indians of Minn. v. Zinke*, 264 F. Supp. 3d 116, 123 n.12 (D.D.C. 2017) (same); *PETA v. U.S. Fish & Wildlife Serv.*, 59 F. Supp. 3d 91, 94 n.2 (D.D.C. 2014) (granting agency's motion for relief from Local Rule 7(n)'s requirements).

CONCLUSION

Accordingly, Defendants request to be excused from the requirement to file a certified indices for the certified administrative records pending a ruling on Defendants' Motion to Dismiss.¹

Dated: April 21, 2025
Washington, DC

Respectfully submitted,

EDWARD R. MARTIN, JR., D.C. Bar #481866
United States Attorney

By: /s/ Joseph F. Carilli, Jr.
JOSEPH F. CARILLI, JR.
Assistant United States Attorney
601 D Street, NW
Washington, DC 20530
(202) 252-2525

Attorneys for United States of America

¹ In the event that the Court denies this motion, Defendants respectfully request that the Court allow thirty (30) days from the date of the Court's order denying this Motion for Defendants to file the certified lists of the contents of the administrative record.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

U.S. CONFERENCE OF
CATHOLIC BISHOPS,

Plaintiff,

v.

DEPARTMENT OF STATE, et al.,

Defendants.

Civil Action No. 25-0465 (TNM)

[PROPOSED] ORDER

UPON CONSIDERATION of Defendants' motion for relief, and the entire record herein,
it is hereby

ORDERED that Defendants' motion is GRANTED. It is further ORDERED that
Defendants are relieved from the requirements of Local Civil Rule 7(n).

SO ORDERED:

Date

TREVOR N. MCFADDEN
United States District Judge