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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

KLOOSTERBOER INTERNATIONAL
FORWARDING LLC and ALASKA
REEFER MANAGEMENT LLC,

Plaintiffs,

vs.

U.S.A., U.S. DEPT. OF HOMELAND
SECURITY, U.S. CUSTOMS AND
BORDER PROTECTION, and TROY A.
MILLER, Acting Commissioner,

Defendants.

Case No.: 3:21-cv-00198 (SLG)

**PLAINTIFFS' RESPONSE TO
DEFENDANTS' JANUARY 4, 2024 STATUS REPORT**

Plaintiffs respectfully submit the following in response to Defendants' Status Report filed January 4, 2024 (Dkt. 216):

On December 4, 2024, Plaintiffs detailed for the Court the Government's inordinate and unreasonable delay in securing the required approvals of the eight-page settlement agreement that the parties reached nearly half a year ago on July 18, 2023. (Plaintiffs' Status Report, Dkt. 212). Plaintiffs further underscored the severe detrimental economic consequences to Plaintiffs' ongoing business as a result of the Government's delay, which at that point, was 139 days since the agreement was reached.

At the Government's request (Dkt. 214), the Court granted a thirty-day extension for the Government to complete its review of the eight-page settlement and file an updated report on the status of approval of the settlement agreement by January 4, 2024. (Dkt. 215).

Today, the Government once again states, in its updated Status Report, that it still needs additional time to complete its review of the eight-page settlement agreement and seeks yet another 30-day extension. This request should be denied. We are now at 170 days since the settlement was reached last July—nearly six months ago. The Government's extraordinary delay, as Plaintiffs repeatedly have explained, has directly interfered with Plaintiffs' corporate transactions, its finances, and its operations because Plaintiffs remain in corporate purgatory with no formal resolution of the enormous notices of penalty levied by the Government in August 2021. While we understand the Government has its admittedly "bureaucratic" requirements (*see* Dkt. 214 at 2), the ongoing delay is

inexcusable. As a litigant, the Government has an obligation to our system of justice and to this Court's patience and indulgence to complete the negotiated resolution and not to leave targets of the Government's penalties publicly exposed to the uncertainty of enormous financial penalties.

Accordingly, Plaintiffs respectfully request that the Court (a) deny the requested thirty-day extension, and (b) order the Government to finalize and complete the settlement approval process and file the case closing documents by January 11, 2024 or show cause in person on January 16, 2024 at 10 a.m. why it has not done so.

DATED this the 4th day of January, 2024.

BIRCH HORTON BITTNER &
CHEROT

By: /s/ David Karl Gross
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 4th day of January, 2023, a true and correct copy of the foregoing was served via the Court's CM/ECF electronic filing system, on the following:

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BIRCH HORTON BITTNER & CHEROT

By: /s/ David Karl Gross
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