

# In the United States Court of Federal Claims

NOT FOR PUBLICATION

No. 11-194C

(Filed April 22, 2011)

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HUMANTOUCH, LLC,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

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## ORDER

The Court has reviewed the government's out of time motion for a two-day enlargement of the time to file its response to plaintiff's motion to supplement the administrative record. Plaintiff opposes the motion, arguing that the Court's scheduling order must be observed in order to minimize disruption to the Internal Revenue Service's procurement, and requests that the Court grant its motion to supplement the administrative record. But in bid protests, a plaintiff's ability to supplement the administrative record is limited to cases in which "the omission of extra-record evidence precludes effective judicial review." *Axiom Res. Mgmt. v. United States*, 564 F.3d 1374, 1380 (Fed. Cir. 2009) (citation omitted). Because of this standard, the Court doubts it would be appropriate to grant plaintiff's motion to supplement by default, for the government's mere failure to follow a scheduling order. Moreover, no prejudice to plaintiff has been shown -- as the date of oral argument on the motion to supplement permits adjustment to the schedule, and plaintiff may be granted a comparable enlargement of time to file its reply. Accordingly, the government's motion for enlargement of time is **GRANTED**. Plaintiff shall receive additional time to submit a reply in support of its motion and shall file the reply on or by **Friday, April 29, 2011**.

**IT IS SO ORDERED.**

s/ Victor J. Wolski

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**VICTOR J. WOLSKI**