

the May 19, 2005 Stipulation explicitly reaffirmed a July 19, 2004 Stipulation concerning transfer of the Abrams Federal Building. In compliance with the May 19, 2005 Stipulation, Defendant produced the Administrative Record on June 6, 2005 and Plaintiffs filed an amended complaint on June 17, 2005.

As a condition of filing this Joint Request, the parties understand and agree that the October 26, 2004 Joint Stipulation mooted Plaintiff's first application and Defendant HHS' first decision, and that Plaintiff's entire cause of action in this lawsuit is now limited to HHS' final decision in connection with Plaintiff's new application. Should this Honorable Court reconsider its June 30, 2005, order, Plaintiff shall withdraw and refile the aforesaid amended complaint to comport with this agreed scope of review.

A dismissal of this case will force the parties to re-litigate and re-file papers that have already been filed on this Honorable Judge's docket with the intent that the case was on-going. Thus, in accordance with the intent of the parties, and in the interests judicial economy, the parties jointly and respectfully request this Court to reconsider its June 30, 2005 Order declaring the above-captioned case terminated.

Respectfully submitted,



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