

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:99-cv-01923-CKK**

NATL ASSOC HOME BLDR v. BABBITT, et al
Assigned to: Judge Colleen Kollar-Kotelly
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 07/16/1999
Date Terminated: 09/27/2000
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government
Defendant

Plaintiff

**NATIONAL ASSOCIATION OF
HOME BUILDERS**

represented by **Lawrence R. Liebesman**
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V.

Defendant

BRUCE BABBITT
Secretary of the Interior

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Defendant

U.S. DEPARTMENT OF INTERIOR

represented by **Anthony Michael Alexis , Sr.**
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TERMINATED: 10/25/1999
LEAD ATTORNEY
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David J. Ball , Jr.
(See above for address)
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Kenneth Leonard Wainstein
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Mark E. Nagle
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Defendant

**UNITED STATES FISH AND
WILDLIFE SERVICE**

represented by **Anthony Michael Alexis , Sr.**
(See above for address)
TERMINATED: 10/25/1999
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David J. Ball , Jr.
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Kenneth Leonard Wainstein
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Mark E. Nagle
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Defendant

JAMIE RAPPAPORT CLARK
*Director, United States Fish and
Wildlife Service*

represented by **Anthony Michael Alexis , Sr.**
(See above for address)
TERMINATED: 10/25/1999
LEAD ATTORNEY
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Kenneth Leonard Wainstein
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Mark E. Nagle
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| Date Filed | # | Docket Text |
|-------------------|----------|--|
| 07/16/1999 | 1 | COMPLAINT filed by plaintiff NATL ASSOC HOME BLDR; exhibits (5) (tb) (Entered: 07/19/1999) |
| 07/16/1999 | | SUMMONS (6) issued to federal party(s) federal defendant BRUCE BABBITT , federal defendant DOI, federal defendant FISH AND WILDLIFE, federal defendant JAMIE RAPPAPORT CLARK , and non-parties: U.S. Attorney and U.S. Attorney General. (tb) (Entered: 07/19/1999) |
| 07/16/1999 | 2 | RULE 109 Certificate of disclosure of corporate affiliations and financial interests by plaintiff NATL ASSOC HOME BLDR (tb) (Entered: 07/19/1999) |
| 08/06/1999 | 3 | ATTORNEY APPEARANCE for federal defendants by Anthony Michael Alexis Sr. (jf) (Entered: 08/09/1999) |
| 08/18/1999 | 4 | MOTION (UNOPPOSED) filed by federal defendant BRUCE BABBITT , federal defendant DOI, federal defendant FISH AND WILDLIFE, federal defendant JAMIE RAPPAPORT CLARK to extend time to 09/01/99 to answer complaint [1-1] (tb) Modified on 08/19/1999 (Entered: 08/19/1999) |
| 08/23/1999 | 5 | ORDER by Judge Colleen Kollar-Kotelly: granting motion to extend time to 09/01/99 to answer complaint [1-1] [4-1] by JAMIE RAPPAPORT CLARK, FISH AND WILDLIFE, DOI, BRUCE BABBITT ; Answer extended to 9/1/99 for JAMIE RAPPAPORT CLARK, for FISH AND WILDLIFE, for DOI, for BRUCE BABBITT (N) (dam) (Entered: 08/24/1999) |
| 09/01/1999 | 6 | ANSWER TO COMPLAINT [1-1] by federal defendant BRUCE BABBITT , federal defendant DOI, federal defendant FISH AND WILDLIFE, federal defendant JAMIE RAPPAPORT CLARK . (lkn) (Entered: 09/03/1999) |
| 09/02/1999 | 7 | DOCUMENT STRICKEN FROM THE DOCKET PURSUANT TO COURT ORDER DATED 9/17/99-----AMENDED COMPLAINT by plaintiff NATL ASSOC HOME BLDR amending complaint [1-1] . (adc) Modified on 09/17/1999 (Entered: 09/17/1999) |
| 09/17/1999 | 8 | ORDER by Judge Colleen Kollar-Kotelly : striking amended complaint [7-1] by NATL ASSOC HOME BLDR (N) (adc) (Entered: 09/17/1999) |
| 09/20/1999 | 11 | STRICKENED FROM THE RECORD PURSUANT TO COURT'S STRIKING ORDER -- ANSWER TO AMENDED COMPLAINT by federal defendant BRUCE BABBITT , federal defendant DOI, federal defendant FISH AND WILDLIFE, federal defendant JAMIE RAPPAPORT CLARK (tb) (Entered: 09/27/1999) |
| 09/22/1999 | 9 | ORDER by Judge Colleen Kollar-Kotelly : Meet Confer hearing set for 9:00 11/3/99 . (N) (adc) (Entered: 09/24/1999) |
| 09/22/1999 | 12 | ORDER by Judge Colleen Kollar-Kotelly : striking answer to amended complaint [11-1] (N) (tb) (Entered: 09/27/1999) |
| 09/24/1999 | 10 | MOTION (CONSENT) filed by plaintiff NATL ASSOC HOME BLDR for leave to file an amended complaint ; EXHIBIT (AMENDED COMPLAINT) (tb) (Entered: 09/27/1999) |

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| 09/28/1999 | 13 | ORDER by Judge Colleen Kollar-Kotelly : granting motion for leave to file an amended complaint [10-1] by NATL ASSOC HOME BLDR (N) (adc) (Entered: 09/28/1999) |
| 09/28/1999 | 14 | AMENDED COMPLAINT by plaintiff NATL ASSOC HOME BLDR amending complaint [1-1] . (tb) (Entered: 09/29/1999) |
| 10/08/1999 | 15 | MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 206(d) filed by plaintiff NATL ASSOC HOME BLDR, federal defendant BRUCE BABBITT , federal defendant DOI, federal defendant FISH AND WILDLIFE, federal defendant JAMIE RAPPAPORT CLARK . (tb) (Entered: 10/12/1999) |
| 10/25/1999 | 16 | SUBSTITUTION OF COUNSEL for federal defendants; BRUCE BABBITT , DOI, FISH AND WILDLIFE, JAMIE RAPPAPORT CLARK , substituting David Jackson Ball Jr. for attorney Anthony Michael Alexis Sr. for JAMIE RAPPAPORT CLARK, FISH AND WILDLIFE, DOI, BRUCE BABBITT (tb) (Entered: 10/26/1999) |
| 11/01/1999 | 17 | MOTION (UNOPPOSED) filed by federal defendant BRUCE BABBITT , federal defendant DOI, federal defendant FISH AND WILDLIFE, federal defendant JAMIE RAPPAPORT CLARK for leave to file out of time to refile answer to amended complaint ; EXHIBIT (ANSWER) (tb) (Entered: 11/02/1999) |
| 11/03/1999 | 18 | ORDER by Judge Colleen Kollar-Kotelly : granting motion for leave to file out of time to refile answer to amended complaint [17-1] by JAMIE RAPPAPORT CLARK, FISH AND WILDLIFE, DOI, BRUCE BABBITT (N) (adc) (Entered: 11/03/1999) |
| 11/03/1999 | | MEET AND CONFER STATUS HEARING before Judge Colleen Kollar-Kotelly : Plaintiff's motion for summary judgment due by 12/23/99 .Defendant's response to motion for summary judgment due 1/24/00 . Plaintiff's reply to motion for summary judgment due by 2/14/00. Defendant's reply to motion for summary judgment due 3/6/00 . Reporter: Edward Hawkins (adc) (Entered: 11/04/1999) |
| 11/03/1999 | 20 | ANSWER TO AMENDED COMPLAINT [14-1] by federal defendant BRUCE BABBITT , federal defendant DOI, federal defendant FISH AND WILDLIFE, federal defendant JAMIE RAPPAPORT CLARK (tb) (Entered: 11/08/1999) |
| 11/04/1999 | 19 | ORDER by Judge Colleen Kollar-Kotelly : discovery shall be stayed; plaintiff's motion for summary judgment due 12/23/99 ; defendant's oppositon and cross motions due 1/24/00; plaintiff's reply motion for summary judgment due 2/14/00; defendant's reply shall be due no later than 3/6/00 (N) (adc) (Entered: 11/08/1999) |
| 12/02/1999 | 21 | TRANSCRIPT filed for date(s) of 11/3/99. Reporter: Edward Hawkins (dam) (Entered: 12/03/1999) |
| 12/17/1999 | 22 | MOTION (UNOPPOSED) filed by plaintiff NATL ASSOC HOME BLDR to modify order of 11/4/99 to modify briefing schedule (bjsp) (Entered: 12/20/1999) |

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| 01/05/2000 | 23 | ORDER by Judge Colleen Kollar-Kotelly : granting motion to modify order of 11/4/99 to modify briefing schedule [22-1] by NATL ASSOC HOME BLDR defendant's cross motions due 2/4/00 ; plaintiff's motion for summary judgment due 1/5/00 ; defendant's response to motion for summary judgment due 2/4/00; plaintiff's reply motion for summary judgment due 2/28/00 ; defendant's reply due 3/20/00 (N) (adc) (Entered: 01/06/2000) |
| 01/05/2000 | 24 | MOTION filed by plaintiff NATL ASSOC HOME BLDR for summary judgment ; Exhibits (11) (tth) Modified on 01/06/2000 (Entered: 01/06/2000) |
| 02/04/2000 | 25 | CROSS MOTIONS by federal defendants to dismiss as to federal defendant BRUCE BABBITT , federal defendant FISH AND WILDLIFE, federal defendant JAMIE RAPPAPORT CLARK , and for summary judgment ; exhibits (8) (jf) (Entered: 02/08/2000) |
| 02/28/2000 | 26 | RESPONSE by plaintiff in opposition to cross motion for summary judgment [25-2] by defendants; attachments (3) (ab) (Entered: 02/29/2000) |
| 02/28/2000 | 27 | REPLY by plaintiff to defendants' opposition to motion for summary judgment [24-1] by plaintiff; attachments (3) (ab) (Entered: 02/29/2000) |
| 03/20/2000 | 28 | REPLY MEMORANDUM by defendants in support of cross motion to dismiss as to defendants BRUCE BABBITT , FISH AND WILDLIFE, JAMIE RAPPAPORT CLARK [25-1], and for summary judgment [25-2] by defendants; exhibits (2) (ab) Modified on 03/21/2000 (Entered: 03/21/2000) |
| 06/05/2000 | 29 | NOTICE OF FILING by federal defendant BRUCE BABBITT , federal defendant DOI, federal defendant FISH AND WILDLIFE, federal defendant JAMIE RAPPAPORT CLARK that Plaintiff has now filed suit in Arizona to challenge the critical habitat designation.; exhibits (1) (dam) (Entered: 06/06/2000) |
| 09/27/2000 | 30 | MEMORANDUM OPINION by Judge Colleen Kollar-Kotelly (N) (dot) (Entered: 09/27/2000) |
| 09/27/2000 | 31 | ORDER by Judge Colleen Kollar-Kotelly : finding cross motion to dismiss as to federal defendant BRUCE BABBITT , federal defendant FISH AND WILDLIFE, federal defendant JAMIE RAPPAPORT CLARK by federal defendants [25-1] denied as moot; granting cross motion for summary judgment [25-2] by defendants; denying motion for summary judgment [24-1] by NATL ASSOC HOME BLDR. Judgment is hereby entered for defendants and the case is dismissed. (N) (dot) (Entered: 09/27/2000) |
| 10/12/2000 | 32 | MOTION filed by plaintiff NATL ASSOC HOME BLDR to amend the Court's Judgment ; exhibits (3) (dam) (Entered: 10/13/2000) |
| 10/20/2000 | 33 | MOTION (UNOPPOSED) filed by federal defendant BRUCE BABBITT to extend time to 11/6/00 to file their opposition to plaintiff's motion to amend the court's judgment (cdw) (Entered: 10/23/2000) |

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| 10/30/2000 | 34 | ORDER by Judge Colleen Kollar-Kotelly : granting motion to extend time to 11/6/00 to file their opposition to plaintiff's motion to amend the court's judgment [33-1] by BRUCE BABBITT (N) (dot) (Entered: 10/31/2000) |
| 11/06/2000 | 35 | RESPONSE by federal defendant BRUCE BABBITT , federal defendant DOI, federal defendant FISH AND WILDLIFE, federal defendant JAMIE RAPPAPORT CLARK in opposition to motion to amend the Court's Judgment [32-1] by NATL ASSOC HOME BLDR; exhibits (2) (cdw) (Entered: 11/07/2000) |
| 11/17/2000 | 36 | REPLY by plaintiff NATL ASSOC HOME BLDR to response in opposition to motion to amend the Court's Judgment [32-1] by NATL ASSOC HOME BLDR (hsj) (Entered: 11/20/2000) |
| 03/30/2001 | 37 | NOTICE OF CHANGE OF ADDRESS by Lawrence R. Liebesman representing plaintiff NATL ASSN HOME BLDRS . New address: Holland & Knight, LLP 2099 Pennsylvania Avenue, NW Suite 100, Washington DC 20006-6801 (202) 955-3000. (cjp) (Entered: 04/02/2001) |
| 06/20/2001 | 38 | MEMORANDUM OPINION by Judge Colleen Kollar-Kotelly (N) (dot) (Entered: 06/20/2001) |
| 06/20/2001 | 39 | ORDER by Judge Colleen Kollar-Kotelly : denying motion to amend the Court's Judgment [32-1] by NATL ASSN HOME BLDRS (N) (dot) (Entered: 06/21/2001) |
| 08/14/2001 | 40 | NOTICE OF APPEAL by plaintiff NATL ASSN HOME BLDRS from order [39-1], order [31-1] , entered on: 6/21/01 & 9/27/01; \$105.00 Filing Fees Paid; Copies mailed to plaintiff and defendants (cjp) (Entered: 08/15/2001) |
| 08/15/2001 | | TRANSMITTED PRELIMINARY RECORD on appeal [40-1] by NATL ASSN HOME BLDRS to U.S. Court of Appeals (cjp) (Entered: 08/15/2001) |
| 08/21/2001 | | USCA # 01-5283 assigned for appeal [40-1] by NATL ASSN HOME BLDRS (cdw) (Entered: 08/23/2001) |
| 03/21/2003 | 41 | CERTIFIED COPY of judgment filed in USCA dated 11/5/02, on appeal [40-1] , reversing the judgment of USDC , and remanding for further proceedings. USCA # 01-5283 (cp) (Entered: 03/25/2003) |
| 03/21/2003 | 42 | MOTION filed by plaintiff NATL ASSN HOME BLDRS for attorney fees ; exhibits (7) (aet) (Entered: 03/26/2003) |
| 04/04/2003 | 43 | JOINT MOTION by plaintiff, federal defendants to set a schedule for the remaining proceedings (aet) (Entered: 04/07/2003) |
| 04/08/2003 | 44 | ORDER by Judge Colleen Kollar-Kotelly : granting joint motion to set a schedule for the remaining proceedings [43-1] by JAMIE RAPPAPORT CLARK, U.S. FISH/WILDLIFE, DOI, BRUCE BABBITT , NATL ASSN HOME BLDRS Status Report due: 5/1/03 on the document production in response to the D.C. Circuit's decision and plaintiff's request for attorneys fees, including in the report a proposed schedule for completion of briefing on plaintiff's motion for attorneys fees. (N) (dot) (Entered: 04/18/2003) |

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| 04/30/2003 | 45 | JOINT MOTION by plaintiff and federal defendants to enlarge the schedule for the remaining proceedings in view of the parties settlement discussions until 5/15/03 (mpt) (Entered: 05/01/2003) |
| 05/01/2003 | 46 | ORDER by Judge Colleen Kollar-Kotelly : granting joint motion to enlarge the schedule for the remaining proceedings in view of the parties settlement discussions until 5/15/03 [45-1] by JAMIE RAPPAPORT CLARK, U.S. FISH/WILDLIFE, DOI, BRUCE BABBITT , NATL ASSN HOME BLDRS. The parties shall file a status report 5/15/03 on the document production in response to the D.C. Circuit's decision and plaintiff's request for attorneys fees, including in that report a proposed schedule for completion of briefing on plaintiff's motion for attorneys fees. (N) (dot) (Entered: 05/02/2003) |
| 05/14/2003 | 48 | JOINT MOTION by plaintiff, federal defendants to extend time to further enlarge the schedule for the remaining proceedings in view of the parties' settlement discussion to 5/30/03 (bm) (Entered: 05/21/2003) |
| 05/19/2003 | 47 | ORDER by Judge Colleen Kollar-Kotelly :granting parties' joint motion to further enlarge the schedule for the remaining proceedings in view of the parties' settlement discussions. Status Report due: 5/30/03 on the document production in response to the D.C. Circuit's decision and plaintiff's request for attorneys fees, including in that report a proposed schedule for completion of briefing on plaintiff's motion for attorneys fees. (N) (dot) (Entered: 05/20/2003) |
| 05/30/2003 | 49 | NOTICE by plaintiff NATL ASSN HOME BLDRS of parties agreement in principle to settle this matter and intent to file a settlement agreement within the next week (aet) (Entered: 06/02/2003) |
| 06/11/2003 | 50 | STIPULATION AND AGREEMENT OF SETTLEMENT ORDER by Judge Colleen Kollar-Kotelly (N) (dot) (Entered: 06/12/2003) |