

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:00-cv-00541-JR**

FIRSTENERGY CORP. v. EPA, et al
Assigned to: Judge James Robertson
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 03/13/2000
Date Terminated: 05/08/2000
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government
Defendant

Plaintiff

FIRSTENERGY CORP.

represented by **Gerald Hiroshi Yamada**
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V.

Defendant

**UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY**

represented by **Jon M. Lipshultz**
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Environment & Natural Resources
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Defendant

CAROL M. BROWNER

Administrator

represented by **Jon M. Lipshultz**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Kenneth Leonard Wainstein

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Intervenor Defendant

ELIOT SPITZER

Attorney General of the State of New York

represented by **Robert Rosenthal**

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Date Filed	#	Docket Text
03/13/2000	1	COMPLAINT filed by plaintiff FIRSTENERGY CORP. (tw) (Entered: 03/14/2000)
03/13/2000		SUMMONS NOT ISSUED. (tw) (Entered: 03/14/2000)
03/13/2000	2	MOTION filed by plaintiff FIRSTENERGY CORP. for preliminary injunction ; exhibits (18) (Declaration of Douglas J. Weber with 21 exhibits removed from the file, pursuant to letter (filed 3/17/00) dated 3/15/00 to Judge James Robertson, from Christopher A. Cole, Esq., counsel for pltf. requesting removal of same.) (tw) Modified on 03/20/2000 (Entered: 03/14/2000)
03/13/2000	3	MOTION filed by plaintiff FIRSTENERGY CORP. for leave to file documents containing confidential business information under seal. (tw) (Entered: 03/14/2000)
03/13/2000	4	LCvR 26.1 Certificate of disclosure of corporate affiliations and financial interests by plaintiff FIRSTENERGY CORP. (tw) (Entered: 03/14/2000)
03/16/2000	5	ORDER by Judge James Robertson : granting motion for leave to file documents containing confidential business information under seal [3-1] by FIRSTENERGY CORP.; Exhibits 11 and 12 to the declaration of Douglas J. Weber are accepted for filing under seal. (N) (mlp) (Entered: 03/16/2000)
03/16/2000		SCHEDULING NOTICE: hearing on motion for preliminary injunction is set for 11:00 3/27/00 before Judge James Robertson in Courtroom 16, 6th Floor. (mlp) (Entered: 03/16/2000)
03/16/2000	18	EXHIBITS 11 and 12 of plaintiff FIRSTENERGY CORP. (UNDER SEAL; SEE ORDER FILED 3/16/00) (tw) Modified on 04/02/2000 (Entered: 04/02/2000)

03/17/2000	6	NOTICE OF FILING by plaintiff FIRSTENERGY CORP. of letter to Judge James Robertson, dated 3/15/00, from Christopher A. Cole, Esq., counsel for pltf., requesting the Clerk to return to counsel the Declaration of Douglas A. Weber with attached 21 exhibits, which was initially filed 3/15/00 as an attachment to motion for preliminary injunction. "Let this be filed, 3/16/00" Robertson, J. (fiat) (Documents returned to counsel 3/20/00) (mlp) (Entered: 03/20/2000)
03/17/2000	7	NOTICE OF FILING by plaintiff FIRSTENERGY CORP. declaration of Douglas J. Weber in support of motion for preliminary injunction; exhibits (15). "Let this be filed, 3/16/00" Robertson, J. (fiat) (mlp) (Entered: 03/20/2000)
03/20/2000	8	ADMINISTRATIVE RECORD by federal defendant EPA, federal defendant CAROL M. BROWNER (tw) (Entered: 03/21/2000)
03/20/2000	9	MOTION filed by federal defendant EPA, federal defendant CAROL M. BROWNER to strike extra-record materials, and references thereto, from plaintiff's memorandum in support of plaintiff's motion for preliminary injunction. (tw) (Entered: 03/21/2000)
03/20/2000	10	MOTION filed by federal defendant EPA, federal defendant CAROL M. BROWNER to dismiss complaint [1-1] for lack of jurisdiction , or, in the alternative to transfer case to the United States District Court for the Southern District of Ohio. (tw) (Entered: 03/21/2000)
03/20/2000	11	MEMORANDUM by federal defendant EPA, federal defendant CAROL M. BROWNER in opposition to plaintiff's motion for preliminary injunction [2-1]; exhibit (1) (tw) (Entered: 03/21/2000)
03/20/2000	12	MEMORANDUM by federal defendant EPA, federal defendant CAROL M. BROWNER in support of motion to dismiss complaint [1-1] for lack of jurisdiction [10-1] or, in the alternative to transfer case to the United States District Court for the Southern District of Ohio [10-2]; exhibit (1) (tw) (Entered: 03/21/2000)
03/21/2000	13	ORDER by Judge James Robertson: re: motion of the Attorney General of the State of N.Y. to intervene in this action as a deft.; the papers transmitted on behalf of Attorney General Spitzer will not be filed at this time as they do not comport with local practice; counsel for the proposed intervenor may appear at the hearing on motion for preliminary injunction set for 3/27/00 at 11:00 and they may be heard on the motion to intervene and if the motion is granted, be heard on the motion for preliminary injunction; the papers necessary to support the proposed intervenor's position can be filed in open court. (N) (Copy of order faxed to Robert Rosenthal, Esq., Assistant Attorneys General State of N.Y. Office of the Attorney General) (mlp) (Entered: 03/21/2000)
03/24/2000	14	MEMORANDUM by plaintiff FIRSTENERGY CORP. in opposition to defendant's motion to dismiss [1-1] or, in the alternative [10-1]to transfer [10-2]; attachment (1) (tw) (Entered: 03/27/2000)
03/24/2000	15	REPLY by plaintiff FIRSTENERGY CORP. to defendants' opposition to motion for preliminary injunction [2-1]; attachment (1) (tw) (Entered: 03/27/2000)

03/24/2000	16	MEMORANDUM by plaintiff FIRSTENERGY CORP. in opposition to defendants' motion to strike extra-record materials [9-1]. (tw) (Entered: 03/27/2000)
03/27/2000	17	MOTION filed for ELIOT SPITZER to intervene as a defendant ; exhibits (21); declaration (1) (tw) (Entered: 03/28/2000)
03/27/2000		MOTION HEARING before Judge James Robertson: granted motion for ELIOT SPITZER to intervene as a defendant [17-1], taken under advisement by CAROL M. BROWNER, EPA motion to dismiss complaint [1-1] for lack of jurisdiction [10-1], taken under advisement by CAROL M. BROWNER, EPA motion to transfer case to the United States District Court for the Southern District of Ohio [10-2], taken under advisement by FIRSTENERGY CORP. motion for preliminary injunction [2-1]. Reporter: Dennis Dinkel (mlp) (Entered: 03/28/2000)
03/31/2000	19	TRANSCRIPT filed for date(s) of 3/27/00. Reporter: Dennis A. Dinkel (tw) (Entered: 04/04/2000)
05/08/2000	20	STIPULATION OF DISMISSAL of case without prejudice by plaintiff FIRSTENERGY CORP., federal defendant EPA, federal defendant CAROL M. BROWNER, intervenor-defendant ELIOT SPITZER pursuant to Rule 41(a)(ii) of the Federal Rules of Civil Procedure. (tth) (Entered: 05/10/2000)
04/10/2001		ADMINISTRATIVE RECORD [8-1] filed by federal defendant EPA, federal defendant CAROL M. BROWNER destroyed by Clerk. (cjp) (Entered: 04/16/2001)