

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-01315-TSC**

CENTER FOR BIOLOGICAL DIVERSITY v. U.S.
ENVIRONMENTAL PROTECTION AGENCY et al
Assigned to: Judge Tanya S. Chutkan
Cause: 05:552 Freedom of Information Act

Date Filed: 05/07/2019
Date Terminated: 01/28/2021
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**CENTER FOR BIOLOGICAL
DIVERSITY**

represented by **Ryan Adair Shannon**
CENTER FOR BIOLOGICAL
DIVERSITY
P.O. Box 11374
Portland, OR 97211
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephanie M. Parent
CENTER FOR BIOLOGICAL
DIVERSITY
225 N. Killingsworth Ave.
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(971) 717-6404
Email: sparent@biologicaldiversity.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. ENVIRONMENTAL
PROTECTION AGENCY**

represented by **John Cuong Truong**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. FISH AND WILDLIFE SERVICE

represented by **John Cuong Truong**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. DEPARTMENT OF THE
INTERIOR**

represented by **John Cuong Truong**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION**

represented by **John Cuong Truong**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/07/2019	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-6106565) filed by CENTER FOR BIOLOGICAL DIVERSITY. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons US Attorney General, # <u>3</u> Summons US Attorney, # <u>4</u> Summons EPA, # <u>5</u> Summons FWS, # <u>6</u> Summons DOI, # <u>7</u> Summons NOAA)(Shannon, Ryan) (Entered: 05/07/2019)
05/07/2019	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CENTER FOR BIOLOGICAL DIVERSITY (Shannon, Ryan) (Entered: 05/07/2019)
05/07/2019	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Stephanie Parent, :Firm- Center for Biological Diversity, :Address- P.O. Box 11374, Portland, OR 97211-0374. Phone No. - (971) 717-6404. Filing fee \$ 100, receipt number 0090-6108508. Fee Status: Fee Paid. by CENTER FOR BIOLOGICAL DIVERSITY (Attachments: # <u>1</u> Declaration of Stephanie Parent, # <u>2</u> Text of Proposed Order)(Shannon, Ryan) (Entered: 05/07/2019)
05/08/2019		Case Assigned to Judge Tanya S. Chutkan. (zef,) (Entered: 05/08/2019)
05/08/2019	<u>4</u>	SUMMONS (6) Issued Electronically as to NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef,) (Entered: 05/08/2019)
05/21/2019		MINUTE ORDER: Granting <u>3</u> Motion for Leave to Appear Pro Hac Vice. Stephanie M. Parent is hereby admitted pro hac vice to appear in this matter on behalf of Plaintiff. Pro hac applicants who seek admission more than twice within two years are highly encouraged to become members of the Bar for this court. Signed by Judge Tanya S. Chutkan on 5/21/19. (DJS) (Entered: 05/21/2019)
05/28/2019	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/14/2019. Answer due for ALL FEDERAL DEFENDANTS by 6/13/2019. (Parent, Stephanie) (Entered: 05/28/2019)
05/28/2019	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 05/14/2019. (Parent, Stephanie) (Entered: 05/28/2019)
05/29/2019	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION served on 5/13/2019; U.S. DEPARTMENT OF THE INTERIOR served on 5/13/2019; U.S. ENVIRONMENTAL PROTECTION AGENCY served on 5/13/2019; U.S. FISH AND WILDLIFE SERVICE served on 5/17/2019 (Attachments: # <u>1</u> Exhibit Returns of Service)(Parent, Stephanie) (Entered: 05/29/2019)
06/11/2019	<u>8</u>	Consent MOTION for Extension of Time to <i>Respond to Complaint</i> by NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE (Truong, John) . (Entered: 06/11/2019)
06/11/2019		MINUTE ORDER: Granting <u>8</u> Motion for Extension of Deadlines. Defendants shall answer or otherwise respond to the complaint by July 22, 2019. Signed by Judge Tanya S. Chutkan on 6/11/19. (DJS) (Entered: 06/11/2019)
06/13/2019		Set/Reset Deadlines: Answer due by 7/22/2019. (tb) (Entered: 06/13/2019)
07/22/2019	<u>9</u>	ANSWER to Complaint by NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF THE INTERIOR, U.S.

		ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE.(Truong, John) (Entered: 07/22/2019)
07/25/2019		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues no later than 8/30/19. The joint status report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 7/25/19. (DJS) (Entered: 07/25/2019)
07/30/2019		Set/Reset Deadlines: Joint Status Report due by 8/30/2019. (tb) (Entered: 07/30/2019)
08/26/2019	<u>10</u>	Joint STATUS REPORT by NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Truong, John) (Entered: 08/26/2019)
08/28/2019		MINUTE ORDER: Having considered the parties' joint status report <u>10</u> , it is hereby ordered that the parties shall file another joint report and proposed order by October 8, 2019. Signed by Judge Tanya S. Chutkan on 8/28/19. (DJS) (Entered: 08/28/2019)
08/29/2019		Set/Reset Deadlines: Joint Status Report due by 10/8/2019. (tb) (Entered: 08/29/2019)
10/08/2019	<u>11</u>	Joint STATUS REPORT by NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Truong, John) (Entered: 10/08/2019)
10/18/2019		MINUTE ORDER: Having considered the parties' joint status report <u>11</u> , it is hereby ordered that the parties shall file another joint report by 12/6/19 and every 60 days thereafter. The report shall include a proposed order to the extent the parties propose a briefing schedule. Signed by Judge Tanya S. Chutkan on 10/18/19. (DJS) (Entered: 10/18/2019)
10/21/2019		Set/Reset Deadlines: Joint Status Report due by 12/6/2019. (tb) (Entered: 10/21/2019)
12/06/2019	<u>12</u>	Joint STATUS REPORT by NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Truong, John) (Entered: 12/06/2019)
02/04/2020	<u>13</u>	Joint STATUS REPORT by NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Hudak, Brian) (Entered: 02/04/2020)
04/06/2020	<u>14</u>	Joint STATUS REPORT by NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Truong, John) (Entered: 04/06/2020)
06/08/2020	<u>15</u>	Joint STATUS REPORT by NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Truong, John) (Entered: 06/08/2020)
08/07/2020	<u>16</u>	Joint STATUS REPORT by NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Truong, John) (Entered: 08/07/2020)

10/08/2020	<u>17</u>	Joint STATUS REPORT by NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Truong, John) (Entered: 10/08/2020)
12/02/2020	<u>18</u>	Joint STATUS REPORT by NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Truong, John) (Entered: 12/02/2020)
01/27/2021	<u>19</u>	STIPULATION of Dismissal by NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Truong, John) (Entered: 01/27/2021)
01/28/2021		MINUTE ORDER: Having considered the parties' joint stipulation of dismissal, this action is hereby dismissed with prejudice. Signed by Judge Tanya S. Chutkan on 1/28/21. (DJS) (Entered: 01/28/2021)