

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-01316-TFH**

CENTER FOR BIOLOGICAL DIVERSITY v. COUNCIL ON ENVIRONMENTAL QUALITY et al
Assigned to: Judge Thomas F. Hogan
Cause: 05:552 Freedom of Information Act

Date Filed: 05/07/2019
Date Terminated: 02/01/2021
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

CENTER FOR BIOLOGICAL DIVERSITY

represented by **Stephanie M. Parent**
CENTER FOR BIOLOGICAL DIVERSITY
225 N. Killingsworth Ave.
Portland, OR 97217
(971) 717-6404
Email: sparent@biologicaldiversity.org
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Ryan Adair Shannon
CENTER FOR BIOLOGICAL DIVERSITY
P.O. Box 11374
Portland, OR 97211
(503) 283-5475 ext 407
Fax: (503) 283-5528
Email: rshannon@biologicaldiversity.org
ATTORNEY TO BE NOTICED

V.

Defendant

COUNCIL ON ENVIRONMENTAL QUALITY

represented by **John Cuong Truong**
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2524
Fax: (202) 252-2599
Email: john.truong@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brenda A. Gonzalez-Horowitz
U.S. ATTORNEY'S OFFICE
555 Fourth St N.W.
Washington, DC 20530
(202) 252-2512
Email: brenda.gonzalez.horowitz@usdoj.gov
TERMINATED: 12/14/2020

Defendant

U.S. DEPARTMENT OF AGRICULTURE

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

Brenda A. Gonzalez–Horowitz
(See above for address)
TERMINATED: 12/14/2020

Defendant

**U.S. DEPARTMENT OF
COMMERCE**

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

Brenda A. Gonzalez–Horowitz
(See above for address)
TERMINATED: 12/14/2020

Defendant

**NATIONAL OCEANIC AND
ATMOSPHERIC
ADMINISTRATION**

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

Brenda A. Gonzalez–Horowitz
(See above for address)
TERMINATED: 12/14/2020

Defendant

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

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

Brenda A. Gonzalez–Horowitz
(See above for address)
TERMINATED: 12/14/2020

Defendant

**U.S. ENVIRONMENTAL
PROTECTION AGENCY**

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

Brenda A. Gonzalez–Horowitz
(See above for address)
TERMINATED: 12/14/2020

Date Filed	#	Docket Text
05/07/2019	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090–6106574) 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 CEQ, # <u>5</u> Summons USDA, # <u>6</u> Summons DOC, # <u>7</u> Summons NOAA, # <u>8</u> Summons DOI, # <u>9</u> Summons EPA)(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 0090–6108586. 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)
05/07/2019	<u>4</u>	REQUEST FOR SUMMONS TO ISSUE <i>COUNCIL ON ENVIRONMENTAL QUALITY</i> re <u>1</u> Complaint, filed by CENTER FOR BIOLOGICAL DIVERSITY. Related document: <u>1</u> Complaint, filed by CENTER FOR BIOLOGICAL DIVERSITY.(Shannon, Ryan) (Entered: 05/07/2019)
05/07/2019	<u>5</u>	REQUEST FOR SUMMONS TO ISSUE <i>U.S. Department of Agriculture</i> re <u>1</u> Complaint, filed by CENTER FOR BIOLOGICAL DIVERSITY. Related document: <u>1</u> Complaint, filed by CENTER FOR BIOLOGICAL DIVERSITY.(Shannon, Ryan) (Entered: 05/07/2019)
05/08/2019		Case Assigned to Judge Thomas F. Hogan. (zef,) (Entered: 05/08/2019)
05/08/2019	<u>6</u>	SUMMONS (8) Issued Electronically as to COUNCIL ON ENVIRONMENTAL QUALITY, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef,) (Entered: 05/08/2019)
05/16/2019		MINUTE ORDER granting <u>3</u> Motion for Leave to Appear Pro Hac Vice of Stephanie M. Parent. The Court notes that Ms. Parent has been admitted to appear pro hac vice in this Court three times in the past 15 months and advises Ms. Parent to apply for admission to the Bar of this Court if she wishes to make further appearances. Signed by Judge Thomas F. Hogan on May 16, 2019. (lctfh3) (Entered: 05/16/2019)
05/29/2019	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/17/2019. Answer due for ALL FEDERAL DEFENDANTS by 6/16/2019. (Attachments: # <u>1</u> Exhibit Return of Service)(Parent, Stephanie) (Entered: 05/29/2019)
05/29/2019	<u>8</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. (Attachments: # <u>1</u> Exhibit Return of Service)(Parent, Stephanie) (Entered: 05/29/2019)
05/29/2019	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. COUNCIL ON ENVIRONMENTAL QUALITY served on 5/13/2019; NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION served on 5/13/2019; U.S. DEPARTMENT OF AGRICULTURE served on 5/13/2019; U.S. DEPARTMENT OF COMMERCE 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 (Attachments: # <u>1</u> Exhibit Return of Service)(Parent, Stephanie) (Entered: 05/29/2019)
06/11/2019	<u>10</u>	Consent MOTION for Extension of Time to <i>Respond to Complaint</i> by COUNCIL ON ENVIRONMENTAL QUALITY, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY (Truong, John) (Entered: 06/11/2019)
06/12/2019		MINUTE ORDER granting <u>10</u> Defendants' Consent Motion for an Extension of Time. Accordingly, the defendants' response to the complaint shall be filed on or before July 22, 2019. Signed by Judge Thomas F. Hogan on June 12, 2019. (JK) (Entered: 06/12/2019)
06/12/2019		Set/Reset Deadlines: Answer due by 7/22/2019. (JK) (Entered: 06/12/2019)
07/22/2019	<u>11</u>	ANSWER to Complaint by COUNCIL ON ENVIRONMENTAL QUALITY, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY.(Truong, John) (Entered: 07/22/2019)
07/23/2019		MINUTE ORDER requiring the parties to confer and file a joint status report proposing a schedule for further proceedings. The joint status report should address the status of the plaintiff's FOIA requests, including the anticipated number of documents

		responsive to the requests, as well as the anticipated date(s) for the release of documents responsive to any requests that are still being processed. The parties shall file the joint status report on or before August 23, 2019. Signed by Judge Thomas F. Hogan on July 23, 2019. (JK) (Entered: 07/23/2019)
07/23/2019		Set/Reset Deadlines: Joint Status Report due by 8/23/2019 (hs) (Entered: 07/23/2019)
08/21/2019	<u>12</u>	Joint STATUS REPORT by COUNCIL ON ENVIRONMENTAL QUALITY, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY. (Truong, John) (Entered: 08/21/2019)
09/19/2019		MINUTE ORDER. Upon consideration of the parties' <u>12</u> Joint Status Report, it is ORDERED that the parties shall submit another joint status report on or before October 8, 2019. Signed by Judge Thomas F. Hogan on September 19, 2019. (JK) (Entered: 09/19/2019)
09/23/2019		Set/Reset Deadlines: Joint Status Report due by 10/8/2019 (hs) (Entered: 09/23/2019)
10/08/2019	<u>13</u>	Joint STATUS REPORT by COUNCIL ON ENVIRONMENTAL QUALITY, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY. (Truong, John) (Entered: 10/08/2019)
10/09/2019		MINUTE ORDER. Upon consideration of the parties' <u>13</u> Joint Status Report, it is ORDERED that the parties shall submit another joint status report on or before December 6, 2019. Signed by Judge Thomas F. Hogan on October 9, 2019. (CR) (Entered: 10/09/2019)
10/17/2019		Set/Reset Deadlines: Joint Status Report due by 12/6/2019 (hs) (Entered: 10/17/2019)
12/06/2019	<u>14</u>	Joint STATUS REPORT by COUNCIL ON ENVIRONMENTAL QUALITY, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY. (Truong, John) (Entered: 12/06/2019)
12/09/2019		MINUTE ORDER. Upon consideration of the parties' <u>14</u> Joint Status Report, it is ORDERED that the parties shall submit another joint status report on or before February 4, 2020. Signed by Judge Thomas F. Hogan on December 9, 2019. (CR) (Entered: 12/09/2019)
12/09/2019		Set/Reset Deadlines: Joint Status Report due by 2/4/2020 (hs) (Entered: 12/09/2019)
02/04/2020	<u>15</u>	NOTICE of Appearance by Brenda A. Gonzalez on behalf of All Defendants (Gonzalez, Brenda) (Entered: 02/04/2020)
02/04/2020	<u>16</u>	Joint STATUS REPORT by COUNCIL ON ENVIRONMENTAL QUALITY, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY. (Gonzalez, Brenda) (Entered: 02/04/2020)
02/05/2020		MINUTE ORDER. Upon consideration of the parties' <u>16</u> Joint Status Report, it is ORDERED that the parties shall submit another joint status report on or before July 31, 2020. Signed by Judge Thomas F. Hogan on February 5, 2020. (CR) (Entered: 02/05/2020)
02/05/2020		Set/Reset Deadlines: Joint Status Report due by 7/31/2020 (hs) (Entered: 02/05/2020)
07/31/2020	<u>17</u>	Joint STATUS REPORT by COUNCIL ON ENVIRONMENTAL QUALITY, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY. (Truong, John) (Entered: 07/31/2020)

08/01/2020		MINUTE ORDER. Upon consideration of the parties' <u>17</u> Joint Status Report, it is ORDERED that the parties shall submit another joint status report on or before September 30, 2020. Signed by Judge Thomas F. Hogan on August 1, 2020. (CR) (Entered: 08/01/2020)
08/01/2020		ENTERED IN ERROR....MINUTE ORDER. Upon consideration of the parties' <u>7</u> Joint Status Report, it is ORDERED that the parties shall file a further Joint Status Report by September 15, 2020. Signed by Judge Thomas F. Hogan on August 1, 2020. (CR) Modified on 8/1/2020 (CR). (Entered: 08/01/2020)
08/03/2020		Set/Reset Deadlines: Joint Status Report due by 9/30/2020 (hs) (Entered: 08/03/2020)
09/30/2020	<u>18</u>	Joint STATUS REPORT by COUNCIL ON ENVIRONMENTAL QUALITY, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY. (Truong, John) (Entered: 09/30/2020)
09/30/2020		MINUTE ORDER STAYING CASE. Based upon the representations in the parties' <u>18</u> Joint Status Report, this case is hereby STAYED until December 2, 2020. The parties shall file a stipulation of dismissal or a further Joint Status Report on or before December 2, 2020. Signed by Judge Thomas F. Hogan on September 30, 2020. (CR) (Entered: 09/30/2020)
10/02/2020		Set/Reset Deadlines: Stipulation of Dismissal or a further Joint Status Status Report due by 12/2/2020 (hs) (Entered: 10/02/2020)
12/02/2020	<u>19</u>	Joint STATUS REPORT by COUNCIL ON ENVIRONMENTAL QUALITY, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY. (Truong, John) (Entered: 12/02/2020)
12/03/2020		MINUTE ORDER EXTENDING STAY. Based upon the representations in the parties' <u>19</u> Joint Status Report, this case is hereby STAYED until January 27, 2021. The parties shall file a stipulation of dismissal or a further Joint Status Report on or before January 27, 2021. Signed by Judge Thomas F. Hogan on December 3, 2020. (CR) (Entered: 12/03/2020)
12/03/2020		Set/Reset Deadlines: Joint Status Report due by 1/27/2021 (hs) (Entered: 12/03/2020)
12/14/2020	<u>20</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to COUNCIL ON ENVIRONMENTAL QUALITY, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY. Attorney Brenda A. Gonzalez-Horowitz terminated. (Gonzalez-Horowitz, Brenda) (Entered: 12/14/2020)
01/27/2021	<u>21</u>	STIPULATION of Dismissal by COUNCIL ON ENVIRONMENTAL QUALITY, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF THE INTERIOR, U.S. ENVIRONMENTAL PROTECTION AGENCY. (Truong, John) (Entered: 01/27/2021)