

**U.S. District Court
 District of Columbia (Washington, DC)
 CIVIL DOCKET FOR CASE #: 1:19-cv-01318-TNM**

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

Date Filed: 05/07/2019
 Date Terminated: 06/15/2021
 Jury Demand: None
 Nature of Suit: 895 Freedom of
 Information Act
 Jurisdiction: U.S. Government Defendant

Plaintiff

**CENTER FOR BIOLOGICAL
 DIVERSITY**

represented by **Jonathan Carter Evans**
 CENTER FOR BIOLOGICAL
 DIVERSITY
 1212 Broadway
 Suite 800
 Oakland, CA 94612
 (510) 844-7118
 Email: jevans@biologicaldiversity.org
ATTORNEY TO BE NOTICED

Hannah Mary Margaret Connor
 CENTER FOR BIOLOGICAL
 DIVERSITY
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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
 Washington, DC 20530
 (202) 252-2524
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. DEPARTMENT OF
 AGRICULTURE**

represented by **John Cuong Truong**
 (See above for address)
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

Date Filed	#	Docket Text
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05/07/2019	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-6107071) filed by CENTER FOR BIOLOGICAL DIVERSITY. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons United States Attorney, # <u>3</u> Summons Attorney General, # <u>4</u> Summons Environmental Protection Agency, # <u>5</u> Summons Fish and Wildlife Service, # <u>6</u> Summons Department of Agriculture)(Connor, Hannah) (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 (Connor, Hannah) (Entered: 05/07/2019)
05/07/2019	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Jonathan Carter Evans, :Firm- Center for Biological Diversity, :Address- 1212 Broadway, Suite 800, Oakland, CA 94612. Phone No. - 510-844-7118. Fax No. - n/a Filing fee \$ 100, receipt number 0090-6107443. Fee Status: Fee Paid. by CENTER FOR BIOLOGICAL DIVERSITY (Attachments: # <u>1</u> Declaration of Jonathan Evans, # <u>2</u> Text of Proposed Order)(Connor, Hannah) (Entered: 05/07/2019)
05/08/2019		Case Assigned to Judge Trevor N. McFadden. (zef,) (Entered: 05/08/2019)
05/08/2019	<u>4</u>	SUMMONS (5) Issued Electronically as to U.S. DEPARTMENT OF AGRICULTURE, 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)
05/08/2019	<u>5</u>	STANDING ORDER establishing procedures for cases before Judge Trevor N. McFadden. The parties are directed to read and strictly comply with the attached order. Signed by Judge Trevor N. McFadden on 5/8/2019. (lctnm3) (Entered: 05/08/2019)
05/08/2019		MINUTE ORDER granting the <u>3</u> Motion for Leave to Appear Pro Hac Vice. Attorney Jonathan Carter Evans shall promptly register for this Court's CM/ECF system. Signed by Judge Trevor N. McFadden on 5/8/2019. (lctnm3) (Entered: 05/08/2019)
05/08/2019	<u>6</u>	NOTICE of Appearance by Jonathan Evans on behalf of CENTER FOR BIOLOGICAL DIVERSITY (Evans, Jonathan) (Entered: 05/08/2019)
05/24/2019	<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 Certified Mail Return Receipt)(Connor, Hannah) (Entered: 05/24/2019)
05/24/2019	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF AGRICULTURE served on 5/16/2019 (Attachments: # <u>1</u> Exhibit Certified Mail Return Receipt)(Connor, Hannah) (Entered: 05/24/2019)
05/24/2019	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. ENVIRONMENTAL PROTECTION AGENCY served on 5/16/2019 (Attachments: # <u>1</u> Exhibit Certified Mail Return Receipt)(Connor, Hannah) (Entered: 05/24/2019)
05/24/2019	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. FISH AND WILDLIFE SERVICE served on 5/17/2019 (Attachments: # <u>1</u> Exhibit Certified Mail Return Receipt)(Connor, Hannah) (Entered: 05/24/2019)
05/24/2019	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 5/17/2019. (Attachments: # <u>1</u> Exhibit Certified Mail Return Receipt)(Connor, Hannah) (Entered: 05/24/2019)
06/11/2019	<u>12</u>	Consent MOTION for Extension of Time to <i>Respond to Complaint</i> by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE (Truong, John) (Entered: 06/11/2019)
06/12/2019		MINUTE ORDER: Upon consideration of the Defendants' <u>12</u> Consent Motion, it is hereby ORDERED that the Defendants shall file an Answer or responsive pleading on or before July 9, 2019. Signed by Judge Trevor N. McFadden on 6/12/2019. (lctnm3) (Entered: 06/12/2019)

06/12/2019		Set/Reset Deadlines: Defendants' Answer or responsive pleading due by 7/9/2019. (hmc) (Entered: 06/12/2019)
07/10/2019	<u>13</u>	ANSWER to Complaint by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE.(Truong, John) (Entered: 07/10/2019)
07/10/2019		MINUTE ORDER: Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of the Plaintiff's FOIA request, the anticipated number of documents responsive to the Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by the Plaintiff, whether a motion for an <i>Open America</i> stay is likely in this case, whether a <i>Vaughn</i> index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the Report on or before August 12, 2019. Signed by Judge Trevor N. McFadden on 7/10/2019. (lctnm3) (Entered: 07/10/2019)
07/10/2019		Set/Reset Deadlines: Joint Status Report due by 8/12/2019. (tg) (Entered: 07/10/2019)
08/12/2019	<u>14</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Truong, John) (Entered: 08/12/2019)
08/13/2019		MINUTE ORDER: Upon consideration of the parties' <u>14</u> Joint Status Report, it is hereby ORDERED that the parties shall file another report on or before September 26, 2019. The report shall include the anticipated number of documents responsive to the Plaintiff's FOIA request and an anticipated production schedule for release of the documents. Signed by Judge Trevor N. McFadden on 8/13/2019. (lctnm3) (Entered: 08/13/2019)
08/13/2019		Set/Reset Deadlines: Joint Status Report due by 9/26/2019. (tg) (Entered: 08/13/2019)
09/26/2019	<u>15</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Truong, John) (Entered: 09/26/2019)
09/26/2019		MINUTE ORDER. Upon consideration of the parties' <u>15</u> Joint Status Report, it is hereby ORDERED that the parties shall file another report on or before November 5, 2019. The report shall provide the Court with a further update regarding the status of the Defendants' document production. Signed by Judge Trevor N. McFadden on 9/26/2019. (lctnm3) (Entered: 09/26/2019)
09/27/2019		Set/Reset Deadlines: Joint Status Report due by 11/5/2019. (hmc) (Entered: 09/27/2019)
11/05/2019	<u>16</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Truong, John) (Entered: 11/05/2019)
11/07/2019		MINUTE ORDER. Upon consideration of the parties' <u>16</u> Joint Status Report, it is hereby ORDERED that the parties shall file another report on or before December 20, 2019. The report shall provide the Court with a further update regarding the parties' proposed production schedule. Signed by Judge Trevor N. McFadden on 11/7/2019. (lctnm3) (Entered: 11/07/2019)
11/07/2019		Set/Reset Deadlines: Joint Status Report due by 12/20/2019. (tg) (Entered: 11/07/2019)
12/19/2019	<u>17</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Evans, Jonathan) (Entered: 12/19/2019)
12/20/2019		MINUTE ORDER. Upon consideration of the parties' <u>17</u> Joint Status Report, it is hereby ORDERED that the Environmental Protection Agency shall produce its first set of responsive records on or before August 17, 2020, and shall complete productions by no later than October 19, 2020; and it is further ORDERED that the parties shall submit their next Joint Status Report on August 21, 2020, which shall update the Court regarding the production status. SO ORDERED. Signed by Judge Trevor N. McFadden on 12/20/2019. (lctnm3) (Entered: 12/20/2019)

12/23/2019		Set/Reset Deadlines: Environmental Protection Agency's responsive records due by 8/17/2020. Productions due by 10/19/2020. Joint Status Report due by 8/21/2020. (hmc) (Entered: 12/23/2019)
08/21/2020	<u>18</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Truong, John) (Entered: 08/21/2020)
08/21/2020		MINUTE ORDER. Upon consideration of the parties' <u>18</u> Joint Status Report, it is hereby ORDERED that the parties shall file another Joint Status Report on or before November 4, 2020. SO ORDERED. Signed by Judge Trevor N. McFadden on 8/21/2020. (lctnm3) (Entered: 08/21/2020)
08/21/2020		Set/Reset Deadlines: Joint Status Report due by 11/4/2020. (hmc) (Entered: 08/21/2020)
10/21/2020	<u>19</u>	MOTION for Extension of Time to <i>Complete Document Production</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Truong, John) (Entered: 10/21/2020)
10/22/2020		MINUTE ORDER granting Defendants' <u>19</u> Motion for Extension of Time to Complete Document Production. Defendants shall produce the attachments to the twenty records requested by Plaintiff by October 23, 2020. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/22/2020. (lctnm3) (Entered: 10/22/2020)
10/22/2020		Set/Reset Deadlines: Defendants' production of attachments due by 10/23/2020. (hmc) (Entered: 10/22/2020)
11/04/2020	<u>20</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Truong, John) (Entered: 11/04/2020)
11/05/2020		MINUTE ORDER. Upon consideration of the parties' <u>20</u> Joint Status Report, it is hereby ORDERED that the parties shall file another Joint Status Report on or before December 18, 2020. SO ORDERED. Signed by Judge Trevor N. McFadden on 11/5/2020. (lctnm3) (Entered: 11/05/2020)
11/05/2020		Set/Reset Deadlines: Joint Status Report due by 12/18/2020. (hmc) (Entered: 11/05/2020)
12/18/2020	<u>21</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Truong, John) (Entered: 12/18/2020)
12/21/2020		MINUTE ORDER. Upon consideration of the parties' <u>21</u> Joint Status Report, it is hereby ORDERED that the parties shall file another Joint Status Report on or before February 15, 2021. SO ORDERED. Signed by Judge Trevor N. McFadden on 12/21/2020. (lctnm3) (Entered: 12/21/2020)
12/21/2020		Set/Reset Deadlines: Joint Status Report due by 2/15/2021. (hmc) (Entered: 12/21/2020)
02/12/2021	<u>22</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Truong, John) (Entered: 02/12/2021)
02/12/2021		MINUTE ORDER. Upon consideration of the parties' <u>22</u> Joint Status Report, it is hereby ORDERED that the parties shall file another Joint Status Report on or before April 8, 2021. If the parties resolve this matter before that date, they shall promptly inform the Court. SO ORDERED. Signed by Judge Trevor N. McFadden on 2/12/2021. (lctnm3) (Entered: 02/12/2021)
02/12/2021		Set/Reset Deadlines: Joint Status Report due by 4/8/2021. (hmc) (Entered: 02/12/2021)
04/07/2021	<u>23</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Truong, John) (Entered: 04/07/2021)
04/08/2021		MINUTE ORDER. Upon consideration of the parties' <u>23</u> Joint Status Report, it is hereby ORDERED that the parties shall file another Joint Status Report on or before May 13, 2021. If the parties resolve this matter before that date, they shall promptly

		inform the Court. SO ORDERED. Signed by Judge Trevor N. McFadden on 4/8/2021. (lctnm3) (Entered: 04/08/2021)
04/08/2021		Set/Reset Deadlines: Joint Status Report due by 5/13/2021. (hmc) (Entered: 04/08/2021)
05/13/2021	<u>24</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Evans, Jonathan) (Entered: 05/13/2021)
05/13/2021		MINUTE ORDER. Upon consideration of the parties' <u>24</u> Joint Status Report, it is hereby ORDERED that the parties shall file another Joint Status Report on or before June 14, 2021. If the parties resolve this matter before that date, they shall promptly inform the Court. SO ORDERED. Signed by Judge Trevor N. McFadden on 5/13/2021. (lctnm3) (Entered: 05/13/2021)
05/13/2021		Set/Reset Deadlines: Joint Status Report due by 6/14/2021. (hmc) (Entered: 05/13/2021)
06/14/2021	<u>25</u>	STIPULATION of Dismissal (<i>Joint</i>) by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Truong, John) (Entered: 06/14/2021)
06/15/2021		MINUTE ORDER. Upon consideration of the parties' <u>25</u> Stipulation of Dismissal (<i>Joint</i>), this case is hereby DISMISSED with prejudice. <i>See</i> Fed. R. Civ. P. 41(a)(1)(A)(ii). The Clerk of Court is directed to close this case. SO ORDERED. Signed by Judge Trevor N. McFadden on 6/15/2021. (lctnm3) (Entered: 06/15/2021)