

U.S. District Court
Northern District of New York – Main Office (Syracuse) [NextGen CM/ECF
Release 1.6 (Revision 1.6.2)] (Albany)
CIVIL DOCKET FOR CASE #: 1:20-cv-00742-TJM-CFH

State of New York v. The U.S. Environmental Protection Agency
Assigned to: Senior Judge Thomas J. McAvoy
Referred to: Magistrate Judge Christian F. Hummel
Cause: 05:552 Freedom of Information Act

Date Filed: 07/02/2020
Date Terminated: 07/29/2021
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**State of New York**

represented by **Brendan S. McGrath**
New York State Attorney General – Albany
The Capitol
Albany, NY 12224
518-776-2424
Email: brendan.mcgrath@ag.ny.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael J. Myers
State of New York Attorney General's Office
Environment Protection Unit
The Capitol
Albany, NY 1224
518-776-2382
Email: michael.myers@ag.ny.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**The U.S. Environmental Protection Agency**

represented by **Christopher Robert Moran**
DOJ-USAO
445 Broadway
Room 218
Albany, NY 12207
518-431-0247
Email: christopher.r.moran@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 07/02/2020 | <u>1</u> | COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF against The U.S. Environmental Protection Agency (Filing fee \$400 receipt number ANYNDC-5161467) filed by State of New York. (Attachments: # <u>1</u> Exhibit A – FOIL Request, # <u>2</u> Civil Cover Sheet)(pjh,) (Entered: 07/02/2020) |
| 07/02/2020 | <u>2</u> | G.O. 25 FILING ORDER ISSUED: Initial Conference set for 9/30/2020 at 11:00 AM in Albany before Magistrate Judge Christian F. Hummel. Civil Case Management Plan must be filed and Mandatory Disclosures are to be exchanged by the parties on or before 9/23/2020. (Pursuant to Local Rule 26.2, mandatory disclosures are to be exchanged among the parties but are NOT to be filed with the Court.) (pjh,) (Entered: 07/02/2020) |

| | | |
|------------|-----------|--|
| 07/02/2020 | | Notice re: Compliance with General Order #12: Pursuant to General Order #12, counsel is required to file the <i>Notice of Related Case</i> form as a separate document. Refer to the Court's website: www.nynd.uscourts.gov for further instructions. Counsel may access the fillable form using the following link: www.nynd.uscourts.gov/content/general-order-12 (pjh,) (Entered: 07/02/2020) |
| 07/02/2020 | <u>3</u> | REQUEST FOR ISSUANCE OF SUMMONS(ES): State of New York is requesting summons(es) be issued as to (Attachments: # <u>1</u> Proposed Summons to US Attorney Civil Process Clerk, # <u>2</u> Proposed Summons to US Attorney General)(McGrath, Brendan) (Entered: 07/02/2020) |
| 07/06/2020 | <u>4</u> | Summonses Issued as to The U.S. Environmental Protection Agency, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Summons for U.S. Attorney, # <u>2</u> Summons for U.S. Attorney General)(see) (Entered: 07/06/2020) |
| 08/07/2020 | <u>5</u> | AFFIDAVIT of Service for Summons and Complaint served on The U.S. Environmental Protection Agency on July 27, 2020, filed by State of New York. (McGrath, Brendan) (Entered: 08/07/2020) |
| 08/10/2020 | | ***Answer due date updated for The U.S. Environmental Protection Agency answer due 9/25/2020. (hmr) (Entered: 08/10/2020) |
| 09/08/2020 | <u>6</u> | COURT NOTICE of Change in Conference Date/time: Based on the current answer deadline of 9/25/2020, the Initial Conference has been reset for 10/23/2020 @ 10:00 AM before Magistrate Judge Christian F. Hummel. The Civil Case Management Plan must be filed and Mandatory Disclosures are to be exchanged by the parties on or before 10/16/2020. (Pursuant to Local Rule 26.2, mandatory disclosures are to be exchanged among the parties but are NOT to be filed with the Court.) This Court conference will be conducted telephonically and the parties are directed to dial in at 1-888-684-8852, enter Access code 9772719#, and use Security code 1234# to join the call.(tab) (Entered: 09/08/2020) |
| 09/23/2020 | <u>7</u> | Letter Motion from Brendan McGrath for State of New York requesting Withdrawal of the "Related Case" designation submitted to Judge Christian F. Hummel . (McGrath, Brendan) (Entered: 09/23/2020) |
| 09/24/2020 | <u>8</u> | TEXT ORDER granting <u>7</u> Letter Request from Brendan McGrath for State of New York requesting Withdrawal of the "Related Case" designation. Authorized by Magistrate Judge Christian F. Hummel on 9/24/2020. (tab) (Entered: 09/24/2020) |
| 09/25/2020 | <u>9</u> | ANSWER to <u>1</u> Complaint, by The U.S. Environmental Protection Agency.(Moran, Christopher) (Entered: 09/25/2020) |
| 10/16/2020 | <u>10</u> | CIVIL CASE MANAGEMENT PLAN by State of New York. (McGrath, Brendan) (Entered: 10/16/2020) |
| 10/23/2020 | | Text Minute Entry for proceedings held before Magistrate Judge Christian F. Hummel: Initial Pretrial Conference held on 10/23/2020 by telephone. Appearances by AAG Brendan McGrath, for NYS; AUSA Christopher Moran and Michael Myers, Esq. for the Defendant. Pretrial deadlines are established and a Scheduling Order will be issued. (tab) (Entered: 10/30/2020) |
| 10/30/2020 | <u>11</u> | UNIFORM PRETRIAL SCHEDULING ORDER: Anticipated length of trial: 3 Days (Non-Jury Trial). Preferred Trial Location: Albany, NY. Joinder of Parties due by 12/1/2020. Amended Pleadings due by 12/1/2020. Discovery due by 4/30/2021. Motions to be filed by 6/11/2021. Signed by Magistrate Judge Christian F. Hummel on 10/30/2020. (tab) (Entered: 10/30/2020) |
| 12/29/2020 | <u>12</u> | STIPULATION <i>Order</i> by State of New York submitted to Judge Christian F. Hummel. (McGrath, Brendan) (Entered: 12/29/2020) |
| 01/03/2021 | <u>13</u> | ORDER approving <u>12</u> Stipulation filed by State of New York. Case deadlines are stayed. Status Reports are due by 4/30/2021 and 4/8/2022. Signed by Magistrate Judge Christian F. Hummel on 12/30/2020. (tab) (Entered: 01/03/2021) |
| 04/22/2021 | <u>14</u> | STATUS REPORT by The U.S. Environmental Protection Agency. (Moran, Christopher) (Entered: 04/22/2021) |

| | | |
|------------|-----------|---|
| 04/23/2021 | <u>15</u> | ORDER approving <u>14</u> Status Report filed by The U.S. Environmental Protection Agency. [Status Report due by 7/30/2021]. Signed by Magistrate Judge Christian F. Hummel on 4/23/2021. (tab) (Entered: 04/23/2021) |
| 07/28/2021 | <u>16</u> | STIPULATION of Dismissal by State of New York submitted to Judge Thomas J. McAvoy. (McGrath, Brendan) (Entered: 07/28/2021) |
| 07/29/2021 | <u>17</u> | STIPULATION AND ORDER of Dismissal. Signed by Senior Judge Thomas J. McAvoy on 7/29/2021. (amt) (Entered: 07/29/2021) |